

HOUSE OF REPRESENTATIVES

SEVENTY-SEVENTH GENERAL ASSEMBLY

ONE HUNDRED FIFTH LEGISLATIVE DAY

NOVEMBER 3, 1971

10:00 O'CLOCK A.M.

THE HONORABLE W. ROBERT BLAIR,

SPEAKER IN THE CHAIR



GENERAL ASSEMBLY  
STATE OF ILLINOIS  
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A roll call for attendance was taken and indicated that all were present with the exception of the following:  
Representative Bruce L. Douglas - family illness;  
Representative John P. Downes - illness;  
Representative Henry J. Klosak - no reason given.



Doorkeeper: "All who are not entitled to the House chamber, will you please retire to the gallery. Thank you."

Hon. W. Robert Blair: "The House will be in order. The invocation this morning will be given by our House chaplain, Dr. Johnson."

Dr. John Johnson: "We pray. Lord, our God, you have given me another day in which to demonstrate by my service and my actions those values to which I am attached. Remind me this day and every day that I am really nothing more than a stranger and pilgrim here. Let me therefore not devote my efforts to purposes which are unworthy of your name. Let me not devote my energies to undertakings which are not worthy of your blessings. Let me not serve the gods of this world which would claim my loyalty, but let me be mindful of your summons to love, fear and worship you above all. When a man's life can become little more than a vain show, give me the determination to fasten my heart and my hopes in you, and your grace. And so let my strivings and my desires be directed to the abiding treasures of your mercy. I now commend myself and my fellow legislators to your care. Deal with us as the faithful father you have so often shown yourself to be in the name of Jesus. Amen."

Hon. W. Robert Blair: "Roll call for attendance. The gentleman from Logan, Mr. Madigan."

Edward R. Madigan: "Mr. Speaker, I was just waving."

Hon. W. Robert Blair: "Okay. Committee reports."

Fredric B. Selcke: "Mr. McDevitt from the Committee on Jud-



iciary I to which Senate Bill 938 was referred, reported same back with the recommendation that the bill be passed. No further committee reports."

Hon. W. Robert Blair: "Messages from the Senate."

Fredric B. Selcke: "Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed the bills of the following titles, the passage of which I am instructed to ask concurrence of the House of Representatives: Senate Bill 1271, 1282, 1301, passed by the Senate, November 2, 1971. Kenneth Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed the bills of the following titles, the passage of which I am instructed to ask concurrence of the House of Representatives: Senate Bill 1054, 1257, 1258. Passed by the Senate, November 2, 1971. Kenneth Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the Governor's amendment to the bill of the following title: House Bill 1034. Concurred in by the Senate, November 2, 1971. Kenneth Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the Governor's amendment to the bill of the following title: House Bill 1628. Concurred in by the Senate, November 2, 1971. Kenneth Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the



Senate has concurred with the House in the adoption of the Governor's amendment to the bill of the following title: House Bill Number 3032, concurred in by the Senate, November 2, 1971. Kenneth Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred in the House in the adoption of House Amendment Number One to a bill of the following title: Senate Bill 1242, concurred in by the Senate, November 2, 1971. Kenneth Wright, Secretary. No further messages."

Hon. W. Robert Blair: "All right, with leave of the House, we'll go to vetoes, total vote, total vetoes, concurrence motion, on which there appears a motion to concur in the action of the Senate with regard to Senate Bill 1225."

Fredric B. Selcke: "Motion. Pursuant to Paragraph (e) of Section 9 of Article IV of the Constitution of 1970, I move that the House concur with the Senate in the passage of Senate Bill 1225 over the veto of the Governor. Signed, Representative Klosak."

Hon. W. Robert Blair: "All right, the gentleman from Cook, Mr. Klosak."

Henry J. Klosak: "Mr. . . ."

Hon. W. Robert Blair: "The action on this one, when we get to the point, where we take it, will be final action as far as the House is concerned."

Henry J. Klosak: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1225 is the bill which imposes a one year residency requirement before eligibility for public aid."



On the grounds, that the welfare costs are consuming, a disproportionate part of the state revenue. This bill recited in its legislative findings the dire consequences to the State of Illinois if these costs continued to escalate as they are at present. It also provided a mechanism for the return home of welfare recipients or welfare applicants who did not meet the one year residency requirement rule. Ladies and Gentlemen, when I pass this bill I represented to you that a crisis existed and that crisis still exists and it is still now extremely critical. I will not rerecitate the figures for you. But the welfare costs are frightening and the rate of increase is most alarming. We are facing a staggering deficiency appropriation and in fact we are on the brink of bankruptcy. Ladies and Gentlemen, I firmly believe that prudence dictates and that it is the responsibility posture to assume that to enact this piece of legislation into law and I strongly urge you to assist me, to join me in overriding the Governor's veto of the State of Illinois, to enact this piece of legislation."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Mann."

Robert E. Mann: "Mr. Speaker and Members of the House, I have the highest regard and respect for the gentleman who just addressed himself to this question and I believe that he knows it. But I also believe that we must take cognizance of certain facts before we cast a vote and I submit to you that a vote in the affirmative on this bill would be nothing but political expediency. We have a severe depression in



this country and in this state for poor people. And to hold the poor responsible for the lack of employment possibilities in the State of Illinois would be cruel and wrong. To hold the poor responsible for the fact that there has been a dearth of employment possibilities in our urban centers would be wrong. Now, Mr. Speaker and Members of the House, I ask you why must we always talk about balancing the budget at the expense of the poor? And when we talk about law and order, and I respect the need for law and order, how can we ask the poor to be lawful and orderly when we fly in the teeth of a Supreme Court decision, which says plainly and clearly that one year's residency rules are in violation of the XIV Amendment of the United States Constitution. We can not say to the poor, you need a passport to come into Illinois. The poor are entitled to travel throughout the country, they are entitled to the privileges and immunities which are available to all of the citizens. The Governor in his commendable veto recited the fact that the poor do not come to Illinois to get on public assistance, they come here for employment possibilities, and this override comes at a time when we have a major crisis in the urban centers of the State of Illinois. Cuts are threatened which will make it impossible for human beings who happen to be poor to live and to eat and to feed their children, and who would we be punishing with this bill? We'll be punishing kids, we'll be punishing the aged and the blind and the disabled. Mr. Speaker and



Members of the House, let's not take the politically expediency path. Let's not take and be demagogues and vote for a bill we know in our hearts is unconstitutional. Let's do something about creating a firm of employment possibilities. Let's do something about creating a humane welfare system. But let's not do what is absolutely unlawful, illegal and unconstitutional. And with all due respect to the sincerity of the sponsor, and I do not question it. I ask you to sustain the Governor's veto."

Hon. W. Robert Blair: "The gentleman from Wayne, Mr. Blades."

Ben C. Blades: "Ah, I want to ask the sponsor a question."

Hon. W. Robert Blair: "Yeah, he indicates he'll yield."

Ben C. Blades: "Henry, are you familiar with the fact that we did write into the statute at one time a requirement of a year's residency?"

Henry J. Klosak: "I am."

Ben C. Blades: "And the fact that the courts, the federal court, I believe it was, in Cook County, declared it unconstitutional at that time."

Henry J. Klosak: "There's a Supreme Court decision that when one year's residency requirement in the absence of a compelling need is unconstitutional, yes, I'm aware of that, yes."

Ben C. Blades: "Do we have do the proponents of this bill have reason to believe that the court might declare this constitutional?"

Henry J. Klosak: "Yes, ah, of course, we're all sworn to up-





hold the constitution and if I if I had any doubts about it I certainly would not be engaged in this type of legislating. It is my firm belief and I'm not posing argument, I probably will get into that point, it is my firm belief that this bill is constitutional."

Ben C. Blades: "Yeah."

Hon. W. Robert Blair: "The ah gentleman from Cook, Mr. Davis."

Corneal A. Davis: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, I have watched diligently several attempts to override his excellency, the Governor, of the State of Illinois on bills and up to this time ah his party more or less has remained for him, he has been sustained in his veto, and I arise to join them in sustaining him in the veto of this bill. And I hope that those over on that side of the aisle who have sustained our Governor will sustain him in this veto. This is a veto that definitely protects the poor. You know the poor don't have a lot of lobbyists down here to look after them, but there is no vested interest as far as the poor is concerned down here. The poor are the people that Mr. Lincoln said God made so many of. And that God loved. Let me say that I'm going to read an article which appeared in the Sun Times under the date of October 26, and this is what it said. 'Governor Ogilvie outlined his his change of mind on welfare. Governor Ogilvie said Monday night his views on what causes rising public aid costs came drastically after investigators looked into the problem. The Governor told the south sub-



urban republican meeting, he originally thought that budgeting welfare expenses was caused by out of state persons who moved into Illinois to take advantage to relatively liberal payments. But his investigators found that not the case. He said that we found in many cases people going on welfare are people who have been here in Illinois for a number of years. In explaining his plan for cutting back welfare costs, Ogilvie told his Right Township Republican Organization, the Women Republican Club, that his investigators found that most the users of public aid to be the medical assistance program. He said researchers have found persons updating two and three pair of eye glasses and so forth, but it was not because people was coming into Illinois to get on public welfare.' So, that is the voice of your Governor speaking to a Republican organization. So let me say this. That what little I know about law, I was taught by a distinguished gentleman who sat on that side of the aisle, Dean Lee. Dean Noble Lee. And Dean Lee always said that the Supreme Court was the highest law interpreting body in this land and the Supreme Court has said it is unconstitutional. You mean to tell me that you're going to override the Governor's veto when he has directed to you the fact that the Supreme Court has declared it unconstitutional. I say to you that if you do, it will just be a slap in the face of the poor and not for any other reasoning, and for this reason I plead with you to sustain the veto of his excellency, the Governor of the great state of



Illinois."

Hon. W. Robert Blair: "The gentleman from Macon, Mr. Borchers."  
Webber Borchers: "Mr. Speaker and Fellow Members of the House,  
in my hand dated October the 20th, this year, from the  
Department of Public Aid which I requested is the number  
of cases of loads that came into the State of Illinois in  
the last year and have gotten on welfare. These are the  
people who are not from Illinois. They total exactly 9,385  
case loads, an average of 4 to a family, 40,000 people in  
the last year have come into Illinois to get on our back  
from other states. The total cost of this is \$32,215,696.00.  
Now, project that for this coming year, whether it will be  
100% residency. That is these people stay the coming year  
for one year, and a new group, ever increasing will come  
into this state, while those that came in this last year  
will now cost us this coming year \$64,500,000.00 plus, and  
this is in addition to what we have now. Now in the coming  
four years ago before the Supreme Court hailed the 24 hour  
residency, we were having approximately approximately 2,000  
case loads coming into the State of Illinois. Since, since  
the law that the Supreme Court held, 24 hour a year resid-  
ency, and we are the third highest state in relation to  
payment of welfare, it has jumped from approximately 2,000  
to nearly 10,000 case loads a year. The first of these  
people have just, and this is all welfare, have jumped now  
to some 780 per month to nearly 2,500 per month at a cost  
of nearly approximately a little over \$1,000,000.00 a month.



and no end in sight. I propose and I suggest that we have no right, no obligation that we must support people coming in from other states, because this is our house, just like my home. If you move into my home and say here I am, take care of me, and I continue to work to do this, and then you bring in your uncle, your aunt, your cousins, your second cousins, until my house is filled until I have no place to lay my head, I have no room under my table for my own children and myself, I'm feeding all, I will have to at some point quit and I will go broke and that is exactly what is happening today in the State of Illinois, and we have a right to say to another individual, you have no right to come in and expect me to support you. The public aid in an article said, 'it's the same situation as if there was another state nearby or far that had a better educational opportunity for our children, and so you go to the better education for them.' That is not a good parallel. The simple fact is in one case I'm going to pay my share to get that better education for my children. In this case, they're making no contribution at all except to have us support them. We are paying for them. And I think it's high time that we stop these people from coming into this State and expecting us to support them and we, ah, so therefore I ask that you support the override of the Governor's veto."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Caldwell."

Lewis A. H. Caldwell: "Thank you, Mr. Speaker. I rise to



support the Governor in his veto of this message for the simple reason that the Governor has sense enough to follow the laws of this nation. Now, first of all we all recognize the fact that statistics from all reliable agency have confirmed the fact that as many people come into Illinois and happen to find themselves upon public aid that same number leave the state going elsewhere. So, I think we ought to if we're going to be intelligent, certainly these agencies have documented this fact and all we're doing is beating a dead horse to death. I find myself in complete agreement with the Governor in this instance and I think it would behove all of us if we intend to use the time that we have to do the job that we were sent down here for, that is to attempt to make an orderly government so that we can improve the fabric of our society. I think we should vote not to override the Governor's veto regardless of what the other body did. And I don't believe this is the time nor the place where we should engage in a lot of cheap politics. I would hope that all of us would vote not to override the Governor's veto and let's get on with the business. Thank you."

Hon. W. Robert Blair: "What's your point, Mr. Borchers?"

Webber Borchers: "Mr. Speaker, Fellow Members of the House, I'd like to introduce 60 students from the Lakeview High School, Decatur, Illinois, under Mr. Rayaneck. They're over there in the gallery. Thank you."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Miller."



Peter J. Miller: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I've been as quiet on this issue as a church mouse on Sunday. Because I realize what a conservative gets up to discuss something on welfare for the poor overburden tax-payers of our state, it's like a voice crying out in the wilderness. However, I must cry out whether you listen to me or not or whether it has an effect or not, because I represent a constituency who feels that we do have a dire emergency here. We're breaking the bank. If something isn't done, all the recipients who are now on welfare are going to be cut back because Illinois is a dumping ground, because we pay a higher rate to these people who are idle, many of them who do not want to work, and the proof of the pudding was on this floor when I then introduced a bill last session that if a municipality had work that they be required to work six hours a day. That bill received 88 votes. I'm going to call that bill up again and I hope that those who are now crying about this will support that bill. But what emergency we have. What a terrific mercy of crying about crying about need for education, funds for this, funds for that, Mr. Speaker, I know I'm not a McCormick, but I've served a few years here. I've helped many of my colleagues, I've listened to them, whether I felt that they were right or wrong, and I hope they'll listen to me. But when we bring in 9,000 to 12,000 new recipients to this state every month, we're bound to have <sup>an</sup> repercussions and I want to say that we would not have a



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state income tax today if it weren't the fact for welfare, and my poor people in the district that I have the responsibility of representing, are paying this state income tax, so they want something in return from these recipients. So I hope that with all the problems that we have here that we'll override the Governor's veto. I don't think the Governor can write on this issue, although I've supported him on most issues because he has a responsibility of taking care of the purse strings. But I hope that we will show our constituents how we personally feel and you know next year, you can say political or not, next year is a political year, and if the state is broke, who's going to take this responsibility? Yes, this side of the aisle, the Governor on this side of the aisle, yours truly, who feels that we must stand up for the struggle people who are trying to live on that pay check and for many of the aged who are trying to get by on the limited income. Let's vote to override. Thank you, Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. R. L. Thompson."

Robert L. Thompson: "Mr. Speaker, thank you, and Ladies and Gentlemen of the House. I rise in complete agreement with the idea of sustaining the Governor's veto on this piece of legislation. I wonder some times when I hear the arguments on the floor, if some people want to regulate where I go, where I travel, where I live and what I do. Where are we going in this direction? I'm here in the State of



Illinois because I came here to seek a better way of life. People come not to seek relief, they come seeking jobs and in order that they can have a better way of life for them and their families. I hear it said by previous speakers that these people are on our backs. There are other things that are on our backs that are more irritable than what the people here that have to be fed. I sometime wonder if a hungry man knocked on your door, would you turn him away? I wonder what would you do if your family was hungry, if you and your family was hungry, what would you do? Would you seek a better way of life? I sometime wonder about the people who talk about law and order and the Supreme Court has said this is unconstitutional, yet they do not want to recognize the highest law of the land, the highest tribunal of the land. I just wish that you would stop and think what would you do if you were hungry, if a hungry person knocked on your door, would you turn him away? If we can spend millions of dollars on other things that are not as important as a hungry person, I think we should stop and help to sustain with our vote this piece of legislation of which the Governor has vetoed. Thank you very much."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Hudson."

George Ray Hudson: "Mr. Speaker, Mr. Speaker and Ladies and Gentlemen of the House, unless I have been very much mistaken, the Governor has not only said some of the things that he has reportedly said, but he has said some other things about welfare, and unless I am indeed mistaken, he





has said among other things that if there is one area that can lead this state into bankruptcy and into fiscal insolvency, it is this general area of welfare spending and indeed if it continues to escalate that is the direction in which we are heading. I know the Governor feels this way, and you, Ladies and Gentlemen, know the Governor feels this way. I'm going to suggest that if we are truly concerned with the poor and truly concerned with the underprivileged, we will stop making things appear, to be so attractive in Illinois that they will consider this to be the haven, this to be the promised land, and then when they arrive in Illinois to find that those promises are non-existent. When they are lured into the State of Illinois with the promise of finding work or seeking work and having jobs here and come here and the jobs are not available, they come here hoping to receive monies and the money is not available, I say this is the worst thing we can do for the poor. We are indeed playing political football to lure them and make the opportunities seem so attractive in Illinois that are non-existent. They come here and then find that the cookie jars are empty. I say that we are creating, we're creating images that do not exist. Like the man men dying of thirst on the desert, we are creating mirages, oasis that do not exist and this is true. Perhaps we should bring reality to these people, draw the picture as it really is and do not lure them into the State of Illinois only to have their homes fractured and destroyed and perhaps their lives as



well. I would urge, Ladies and Gentlemen, the support of this vote to override the Governor's veto."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Barnes."

Eugene M. Barnes: "Mr. Speaker, Members of the House. I'd like at this time to refer to some figures that I have here. I think that this has been overlooked in the debate of this particular issue. In all due respect to the sponsor of this measure, who I have a great deal of respect for, I have for the middle of the year figures that was taken from the U. S. Time Report a breakdown on the national unemployment figure. I think that they are significant. I think of the 4.3 million people unemployed at that time, 3.5 million was white, and 753,000 was black, 1.2 million was white collar, 1.8 million was blue collar, 513,000 were service workers, and 70,000 were farm workers. I think that since the country is in the climate, the type of climate that exists with unemployment now, and since Illinois is said to be one of the leading industrial states, I think it is a mistake to say that anyone, be him black, white, blue collar or white collar or farm or industrial worker would come to this state solely for the reason to get on the welfare roll. I think this is a gross overstatement of a fact. The fact is that the average person that comes to the great state of Illinois, comes here solely to improve his life in trying to get himself in a better position to be able to bring his family into the main stream of society



that we have here. I would like to also read at this time an excerpt from an editorial from the Chicago Daily News back in Chicago dated 10-23-1971. The first paragraph I think is appropos. The first paragraph states that the Senate overriding of Governor Ogilvie's veto of a bill establishing a one year residency rule for welfare applicants was an act of political grandstanding, grandstanding, that should fool no one. Such legislation will not faze the tax-payers one cent in terms of the welfare burden now, nor will the outlook for the future, would there be any other phasing of any other consequence. I think we should understand that a bill of this type, I feel, is another one of those bills that has come along just before the election to get some attention from certain segments of the people in our society. I think it is foolish on our part to stand here and go on record to override the Governor's veto in this instance, when at no other time during this fall session as we came near overriding this veto when there was such important issues as the Junior College Budget, as the budget for Illinois Scholarship Commission is concerned, and the budget for Higher Education was concerned. Things that were so important to the people of this state. I am I have yet to hear anyone get up with a concerted effort to talk about a concerted program to get these people employed in any term, any form or facet, I think it would be foolish on our part and I think that the people of the State of Illinois will know what we are doing if we would



sit here and override the veto of a bill that the Governor has declared unconstitutional. Thank you very much."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Graham."

Elwood R. Graham: "Mr. Speaker. Mr. Speaker."

Hon. W. Robert Blair: "Yes, sir?"

Elwood R. Graham: "I don't know just what that gavel weighs, but I think the Speaker should make more use of that gavel and I think we should have more decorum on the floor of the House when somebody is speaking."

Hon. W. Robert Blair: "Your point is well taken, sir. The gentleman from Lawrence, Representative Cunningham."

Roscoe D. Cunningham: "Mr. Speaker and Members of the General Assembly, how great it is to hear Messrs. Mann, Caldwell and Davis speak so highly of our great Governor. I hope that this new light of reason that has come into their lives will not fade between now and November 7, 1972. But speaking for a moment on this bill, I am firmly persuaded that it is fatal for a politician to underestimate the intelligence of the electorate. I am persuaded that the people of the State of Illinois, and the people of the 54th District in particular are far too smart and sophisticated to be taken away with the political nonsense that we can save tax payers money by voting for a bill that is clearly unconstitutional. It is all right for the sponsor of this bill to give you his solemn assurance that it's constitutional, but you know and I know that every member



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of this General Assembly knows that the Supreme Court has on three separate occasions in the last year held that it was unconstitutional. The names of those cases are Shapiro, Graham and Saylor, and we must not fly in the sense of reason if we're to be taken seriously of these matters. It is perfectly proper for the non-lawyers who are a member of this General Assembly to bend their frustration by their meaningless gesture by voting to override the Governor's veto. But those of you who have a license to practice hanging on the wall, need to ask yourself is that the kind of advice that I would give to a paying client, and you need to know that you owe no less a duty to the people of the State of Illinois. Your oath of office requires you in this instance to put a red light up there and it doesn't do a bit of good a bit of good to vote for a thing that is nothing more than political opportunism. I hope that it is not out of order for me to say before I sit down, that I have an unquenchable admiration for the Speaker of this House and not most speakers as substitutes, but I'm referring primarily to W. Robert Blair, forgive me for that, Arthur. . ."

Arthur A. Telcser: "You're forgiven."

Roscoe D. Cunningham: ". . .and none thinks more highly of him than I. Thank you."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. B. B. Wolfe."

Bernard B. Wolfe: "Ah, Mr. Speaker and Ladies and Gentlemen



of the House, briefly, the only issue before this House is Senate Bill 1225 and the motion to override a quote 'total veto'. Now, the Governor under the new constitution has four veto powers under that Article IV, Section 9 and ah one of the powers under that amendatory provision is the power to set back to this House an amendatory message with specific recommendation. Now, it would seem to me that if the emergencies existed that are being debated this morning, the Governor certainly would have sent the bill back with an amendatory message which would be consistent with constitutional requirements. The debate points up the problem, overriding the veto solves none of these problems. Overriding the veto does not give life to a bill which is wholly and totally unconstitutional. Remember that our overriding a total veto changes nothing in Senate Bill 1225 and I concur with our colleague, Representative Cunningham, with respect to his evaluation of the constitutionality of Senate Bill 1225 and would respectfully ask the House to consider new legislation to point up not only the problems confronting us with respect to welfare, but some of the realistic solutions of those problems and I would ask the House to vote to sustain the Governor's total veto of Senate Bill 1225."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Duff."

Brian B. Duff: "Mr. Speaker, I see nothing unconservative in supporting the constitution of the United States. I see



nothing unconservative in supporting the Governor of Illinois who has pointed out the lack of constitutionality of this law. We have and will have in the very near future agonizing problems in the area of public aid. But it would be vain and futile for us to override this veto at this time. We have heard talk about no room in my house. 2,000 years ago somebody was told there was no room in my inn, we have heard talk about people coming to this state wanting to enjoy the largess of Illinois. We forget about the 130 years ago when 100,000,000 people came from Ireland who were poor. Should we have left them out? In the '30s, should we have left out the Jews who came impoverished to this country seeking freedom? Some 15 years ago I came to the State of Illinois with a wife and a new baby, hoping that someday in Illinois I might make a way, become a part of this society. What if something had happened to me immediately after I came? Would that wife and that baby had to leave Illinois or go to the street and beg for alms. I think we've got to consider the fact that in this instance we are supporting the constitution of the United States and in this aspirations of the poor throughout America."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Sims."

Isaac R. Sims: "Mr. Mr. Speaker, Ladies and Gentlemen of the House, I move the previous question."

Hon. W. Robert Blair: "The gentleman has moved the previous question. All those in favor of the gentleman's motion



signify by saying 'Yeas', the opposed 'No', the gentleman's motion prevails. The gentleman from Cook, Representative Klosak, is recognized to close the debate."

Henry J. Klosak: "Mr. Speaker, Members of the House, I concur with the gentleman's motion. The bill has been fully and favorably and fairly debated, and I dislike taking any more time, but I must bring up just a couple of items which have been brought up. Most of the gentlemen have been speaking of the Governor's veto and the constitutionality of this bill. Let me point out to you, I have no quarrel with the Governor of the State of Illinois. The Governor relied on a decision which he ask for from the Attorney General and the Attorney General represented to the Governor that the language of the bill is such that no compelling state interest is recognized by this United States Supreme Court. Now, whether you're an attorney or you're not, I want you to use your own judgment and use your own intelligence. Does this strong language of this bill, coupled with this drastic action which I am advocating here today, that is the overriding of a Governor's veto, demonstrate a compelling need or doesn't it? Because there are three decisions of the Supreme of the United States Supreme Court that only one has comptrolling in this instance and that is the so-called Shapiro decision, and in the Shapiro decision which held welfare residency laws unconstitutional, they clearly stated they're unconstitutional in the absence of compelling state interest, and I maintain to you now and here that we are





showing and compelling state interest by taking this action. Another gentleman has arisen and told me told us that we are penalizing our poor. Ladies and Gentlemen, we are not penalizing the poor, we are protecting the poor. If we do not pass this legislation, then the allowances which our poor are receiving now, meager as they are, are going to be further cut. Now, is that protecting the poor by cutting the allowances and yet that is what we are facing. I represent to you that the passage of my motion will help the poor and not penalize the poor. Some gentleman has questioned the motives for of my purposes in of this motion. Why do the poor come here? Have I ever told anyone here that the poor come here to seek relief? On the contrary, I agreed with the investigative bodies that have and the survey that have showed us that the poor come here for better housing, the poor come here for better jobs, the poor come here for a better way of life, and I agree with all these motives, but the fact is we do not have the jobs, we do not have the homes, we just do not have the facilities to care for these poor, so why they come here is immaterial, the fact is they come and arrive on our welfare rolls. How much will we save if we pass my piece of legislation? The figure has been mentioned \$20,000,000.00. The figure is too conservative. One of the Chicago Metropolitan Papers has mentioned a 5% figure. Ladies and Gentlemen, our welfare costs are \$1,500,000,000.00. Don't worry about the \$1,100,000,000.00 which we appropriated we are representing to you that our



welfare costs for this fiscal year are going to be \$1.5 billion dollars. Now, a 5% savings, which was represented by a metropolitan paper amounts to \$75,000,000.00. Do you realize what \$75,000,000.00 can do? We got into a hassle about a Higher Education budget of \$22,000,000.00. This \$75,000,000.00 will take care of Higher Education, it'll take care of the Chicago School crisis and this \$75,000,000.00 is only a beginning, because we are not taking into consideration what I have warned you about previously. This is a preventive, self-defensive type of legislation. Two states have enacted this type of law and they are presently being heard in the United States Supreme Court to check its constitutionality. The State of Connecticut and the State of New York has instructed their Attorney General to challenge the lower court's decision and the Supreme Court is presently taking these two cases under advisement. Can you imagine what will happen to us if we are the only so-called high pay welfare state without this protective type of legislation. I am talking here of a savings of \$75,000,000.00 if every state has this type of legislation, but if we end up with the only high pay state without it, we are going to receive a great new influence of these migrant poor and our costs are going to be staggering and we are going to be bankrupt. Ladies and Gentlemen, I still sincerely feel that this is a responsible position which I am advocating and I am asking you to concur with me and to concur in the bi-partisan Senate action and override the veto of the



Governor."

Hon. W. Robert Blair: "The question is shall the House concur with the Senate's action relative to the Governor's veto of Senate Bill 1225? This will require 107 votes. All those in favor of concurrence will signify by voting 'Yeas' the opposed by voting 'No'. The gentleman from Cook, Representative Graham, to explain his vote."

Elwood R. Graham: "Mr. Speaker, Ladies and Gentlemen of the House, in explaining my vote, I should like to remind the members of the House that there is a very erroneous belief amongst so many of our people that it is the Negro American who is on welfare. And I want to point out that there are a number of them on welfare, but there are a far greater number of Caucasians on that welfare. Yes, they come in from the South, they come from Mississippi, Texas, Georgia, Alabama and the rest of these states, but don't forget that the majority of the white people on the welfare, have come here from the barley fields of Europe, some of them fugitives, just did beat the constable to the boat and they're on that welfare, too. And I want to point out the fact that in this state where the complex and noble persons can take precedent over nobility and over courage, I want to say to you that a white man in the bread line or on welfare rolls belongs in the bread lines because he's got to have bread line brains to be there. If he had any brains, he wouldn't be there. I, Mr. Speaker, vote to sustain the veto."

Hon. W. Robert Blair: "The gentleman from Macon, Representa-



tive Borchers, to explain his vote."

Webber Borchers: "In explaining my vote, I want to concur with Representative Washington. I have the figures, but I left these particular figures at home, but as I recollect 1/12th of the people coming to Illinois are coming from California. There is a considerable number from Wisconsin, Indiana and Missouri. Now, what percentage of black and white from Missouri is, I don't know, but it is true that this is not a black and white situation, it's black and white and there's plenty of whites coming in from other places to get on our backs. I don't, I have no intentions of feeling I'm obligated to them anymore than I would black or white. Now, one other point. It seems to me the lawyers wish to be too constitutional here. We pay our Attorney General to go to court on behalf of the State of Illinois, that's his job, whenever he may think. We have two new members of the Supreme Court coming on in due time to our United States Supreme Court. Let us force that this question come before that house, that body, and let them make a decisions concerning these matters, because this is an extreme emergency in the State of Illinois, and if you put this on a computer year after year based on a continuation of \$64,000,000, it will be \$75,000,000.00 next year, this goes on ad infinitum. I assure you we are not going to be able to stand this much longer, we are going to go broke just like New York."

Hon. W. Robert Blair: "The gentleman from Cook, Representa-



tive Taylor to explain his vote."

James C. Taylor: "Mr. Speaker, Ladies and Gentlemen of the House, very seldom do I explain my vote, but in 1969 I think that I was the 89th vote on that income tax bill, giving you the right to raise money for the protection of those people who need it and in 1970, 1971, the early part of this session, I voted for that highway bill of \$600 million dollars to build a highway so people could come to the State of Illinois if they want to. Whether they come from the North, South, East or West, I think that it is our obligation to protect these people in this country, but we're sending money out of this country every day and in the United Nations the other day, did you see what they did? They slapped you right in the face. Protect the people at home and I think we'll be better off in this country. Thank you."

Hon. W. Robert Blair: "Have all voted who wished? The gentleman from Cook, Representative Davis to explain his vote."

Corneal A. Davis: "Now, Mr. Speaker and Ladies and Gentlemen of the House, I've listened attentively to the debate. I like great speeches. I like to read great speeches and I like to hear great speeches. I think one of the greatest speeches our present President, President Nixon has ever made was made at the graveside of Whitney Young. Whitney Young, the Executive Director of the Urban League. President and his wife visited the grave side and walked silently up to that grave and bowed his head and these words came



from his lips that Whitney Young lived by one code and that code was not what I can get from my country, but what I can do to make my country a better place for black, white, red, rich or poor and then he said and I think that this these words were the greatest words that have been uttered, that by our President, that Whitney Young sought to make this country one nation under God, indivisible, with liberty and justice and he added another great word and that great word rings in my ear today, with liberty and justice and opportunity, that's what Mr. Nixon said, for all, and I agree with him, I agree with him, that's why people come not only to Illinois but that's what people come to America for, opportunity, do you hear, and the stranger who stands within our gates now in Devil's Island, is seeking opportunity and a better way of life. I like the gospel according to St. John and they say that this is the reason I couldn't be a lawyer, because. . ."

Hon. W. Robert Blair: "All right, all right, bring your remarks to a close now."

Corneal A. Davis: ". . . I rest my case, I like those words, because he tells it like it is, St. John tells it like it is. He says how can you say you love a God whom you've never seen and hate your neighbor whom you have seen? If you say this, you're lying and the truth isn't in you."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there are 80 'Yeas' and 55 'Nays' and the House fails to concur in the Senate



action with respect to Senate Bill 1225. The gentleman from Will, Mr. Houlihan."

John J. Houlihan: "Mr. Speaker and Ladies and Gentlemen of the House, I have the privilege to introduce a young lady from the 41st Representative District, which is represented by Speaker Blair and Representative O'Brien and myself, a young lady, Mary Ann Grabavoy, who won a Miss Teenage Aurora contest and was going to represent in Texas, Illinois. Miss Grabavoy."

Hon. W. Robert Blair: "Ah, she's right here and I'm going to ask her to say a few words."

Mary Ann Grabavoy: "Thank you. Thank you. Good morning. Representatives of the House, Mr. Speaker, good morning. And thank you very much. Junge menchen sind keine gefase die mit fullled, sondern feure die man entzundet. Eussen VonLevick, a German organic chemist, once said that 'Young people are not receptacles to be filled, but fires to be kindled'. For every girl competing in the pageant lies a golden opportunity to kindle this fire. For youth today are concerned. I can't say I represent everyone my age but I feel as Miss Teenage Aurora and as a candidate for Miss Teenage America on December 3rd in Fort Worth, Texas, I represent those who are concerned about maintaining a good image for our country, those who are sensitive to the need for peaceful change and those who are willing to strengthen our government and society without dissolving it. This summer, I worked as a staff member of the United States



Cheerleader Association, Camps All-American. I found a great need and satisfaction helping to instruct over 4,000 girls who attended Camps All-American throughout a ten-week period. During the preparation month for the pageant competition, relationships became close, yet often strained in tense moments. However, through this all, you learn to adapt yourself and to relate to other girls. And so the experiences of the pageant help me to become a more sensitive person and aware of the needs and frustrations of the girls I taught this summer. I found that meeting new people is like building a bridge - you extend, you listen, you understand. And if they are extending, listening and understanding also, you have bridged all gaps, whether they be generation, racial or political. Entering the pageant in Texas I am more aware of the broadening effect it will have in my life. This pageant is a fine example of teenagers working with adults, cooperating and uniting. It creates an atmosphere which enables one to go out in the world and to become a better person, a better citizen, a better individual. The pageant creates image for other girls to follow. Thus, it will help to create a better world as more teenage girls strive for the golden image of that representative girl. Many people feel that language is a barrier which can not be overcome, but I feel that there's one thing that all people understand no matter what language they speak. It is a symbol for many things, peace, friendship, harmony, and understanding. It's a smile. For a smile is a cheer



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to you and me, the cost is nothing, it's given free. It comforts the weary, gladdens the sad, consoles those in trouble, good or bad, to rich and poor, beggar or thief, it's free to all of any belief. A natural gesture of young and old. It cheers on the faint, disarms the bold. Unlike most blessings for which we pray, it's one thing we keep when we give away. Miss Teenage Aurora, Miss Teenage America is giving it's reaching out, so with the smile of friendship, a smile of hope, a smile of pride in America today, this teenager says a warm thank you."

Hon. W. Robert Blair: "All right, also on the calendar under vetoes, amendatory vetoes concurrence motion appears a motion with regard to SenateBill 1098."

Fredric B. Selcke: "Motion. Pursuant to Paragraph (e) of Section 9 of Article IV of the Constitution of 1970, I move that the House concur with the Senate in the specific recommendation for change to Senate Bill 1098 as set forth in the Governor's message of September 8, 1971, signed Representative McDevitt."

Hon. W. Robert Blair: "The gentleman from Cook, Representative McDevitt."

Bernard McDevitt: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1098 has already been improved in the Senate as to the Governor's amendatory veto. This you will remember was the bill that was presented under the Offices of the Judicial Advisory Council to grant increases in salaries to various judges. The matter with a few amend-



ments passed the House and in the Senate and when it got to the Governor, the Governor made an amendatory veto of that portion of the bill which pertains to the new associate judges, former magistrates, by striking out the increases, that were given to the associate judges. By way of review of the bill, the salaries are increased in the Supreme Court judges from \$40,000.00 annually to \$42,500.00. The judge of the Appellate Court, his salary was increased from \$37,500.00 to \$39,500.00. Both those salaries are remaining the same. The Circuit Court judges throughout the state were increased from \$27,500.00 to \$29,000.00. And you may remember there was an additional add on of \$6,500.00 or \$7,500.00 a year that had been given the Cook County Circuit judges. This was extended to take in any circuit which was embodied in one county, which meant only the County of DuPage and in amendment in the House, these judges, these circuit judges in DuPage were also given that \$7,500.00 add on. When we came to the magistrates, originally their salary of \$18,500.00 for a lawyer magistrate and \$15,000.00 a year for non-lawyer. The \$18,500.00 to \$21,500.00 and the \$15,000.00 was also increased. However, the Governor struck out these increases so as far as the associate judges, formerly magistrates are concerned, they are back to the \$18,500.00 a year salary, with a \$15,000.00 a year salary for the non-lawyers, and the add on in Cook County will prevail of \$4,500.00. This is what the bill presently provides for then in the way of salaries. The Judicial



...sory Council since the action by the Senate has met and  
 ...agreed to have the Governor's amendatory veto confirmed,  
 ...I would respectfully ask your favorable vote."

... Robert Blair: "The gentleman from McHenry, Mr. Hanahan."

... J. Hanahan: "Mr. Speaker, would the gentleman yield?"

... Robert Blair: "He indicates he will."

... J. Hanahan: "Did you say that the Supreme Court justices  
 ...are getting a raise if we concur with this bill?"

... McDevitt: "In the original bill. . ."

... J. Hanahan: "No, I mean if we concur right now will  
 ...Supreme Court, the Appellate Court judges get a raise  
 ...salary?"

... McDevitt: "Yes."

... J. Hanahan: "What will the Supreme Court raise be if  
 ...pass this concurrence motion?"

... McDevitt: "From \$40,000.00 to \$42,500.00, the Appel-  
 ...le will go from \$37,500.00 to \$39,500.00."

... J. Hanahan: "In other words in the Magistrate would  
 ...it \$18,500.00?"

... McDevitt: "Correct."

... J. Hanahan: "The in other words the Magistrate who  
 ...s \$18,500.00 is not going to receive a raise, but the  
 ...llate and Supreme Court are going to receive raises  
 ...to concur with this bill?"

... McDevitt: "Correct."

... J. Hanahan: "Well, Mr. Speaker, Members of the House,  
 ...n't know how this bill fits in or this concurrence

motion fits in with the President's wage freeze, but these these increases at this time if as I understand it, will take effect upon passage of this bill. And I was just wondering if there was any logic in raising a person who's making \$40,000.00 a year to \$42,500.00 at this time in view of the fact that the Magistrate who's doing most of the work. The Magistrates in my county, in my district who have to hear day to day work and they're providing the real service to the people, they're not going to get a raise, I can not see that there is much logic in concurring with this type of amendment to the bill when the very people who are working are not going to get it, so it's inconceivable that we're going to pay Supreme Court justices \$42,500.00 when we only pay the Governor of the State \$45,000.00, we only pay the Secretary of State \$35,000.00, and to pay these Supreme Court and Appellate Court judges at the advice and consent, once again, by lawyers, not by laymen, not by people of this General Assembly, but of a legislative counsel made up of lawyers, doing the bidding of the Supreme and Appellate Court and not of the Magistrate who's really doing the work. I think that this motion should not be carried and a review made by laymen in the justification of salary and certainly take care of the lawyer magistrate who is making \$18,500.00 and giving him a proper raise, not a raise to people who are making \$39,000.00, \$40,000.00 right now, just to appease some Appellate or Supreme Court justices. I urge the defeat of this motion on that basis,



that it's illogical, that's uncouth and that it's untimely and that it's certainly unfair to the magistrate who are now sitting and hearing all the cases in this land and giving raises to the Supreme Court and Appellate Court judges."

Hon. W. Robert Blair: "The gentleman from Rock Island, Mr. Pappas."

Pete Pappas: "Will the sponsor respond to a question, please? Bernie, in the event this House does not concur in the amendatory veto motion, does that mean then that these judges will remain at the same salary that they are now?"

Bernard McDevitt: "That is correct."

Pete Pappas: "I'd like to speak for a moment on the bill. Representative Hanahan touched on it. I think rather well. We have the Magistrates who I know in my district are doing most of the work, in fact, more than the rest of them and the Governor in his wisdom saw fit not to give these men a pay raise, but yet the judges who have other fringe benefits are still entitled to a pay raise. I think what we should do is defeat this motion."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Fleck."

Charles J. Fleck: "Will the sponsor yield for a question?"

Hon. W. Robert Blair: "He indicates he will."

Charles J. Fleck: "Representative McDevitt, from what I understand from your explanation of the veto, there appears to be a reduction veto, yet on the calendar as an amendatory veto. Now, where does the amendatory veto take place and



the reduction veto?"

Bernard McDevitt: "Well, Representative Fleck, it's an amendatory veto in the sense that the increase provided for by the bill for magistrates does not go into effect as a result of that veto. In other words, the salary then stays the same. The ah Cook County Magistrates, for example, are presently getting \$18,500.00, a \$4,500.00 add on and the downstate Magistrates will continue to get the \$18,500.00 and the non-lawyer magistrates will continue to get \$15,000.00, there are no non-lawyer magistrates in Cook County, of course. The non-lawyer magistrates downstate will get \$15,000.00. So, it's amendatory in the sense that it changes the bill itself. We gave them the increase, but the Governor in his wisdom saw fit to foot the salary scale back the way it was as to magistrates."

Hon. W. Robert Blair: "The gentleman from Winnebago, Mr. Giorgi."

E. J. Giorgi: "Mr. Speaker, I'd like to ask Representative McDevitt a question. Representative McDevitt, you say that the Judiciary Advisory Commission recommended these acceptance of this message from the Governor?"

Bernard McDevitt: "Yes, the bill originally came before there were any amendments in the House or the Senate, came out with the approval of the Judicial Advisory Council. The only change that the Governor made was as to Magistrates. And the Council having acted upon it felt that it was to the best interest of the judiciary to leave the bill in its



present form in the hope that in the future something could be done to increase the compensation of magistrates when it was determined as to what the financial condition of the state was with regard to these salaries because of the fact that the magistrates increase provided would account for \$1 million extra money."

E. J. Giorgi: "Bernie, were there no was there no remember your Judiciary Advisory Committee with enough courage to take the position of the non-lawyer magistrates or the lawyer magistrates that became associate judges, was there no man with courage to take their fight? In your committee?"

Bernard McDevitt: "Well, you see we looked at it this way. You see, about three quarters of our bill was being ratified and we felt that it was probably while no body was happy with the fact that the complete bill wasn't approved by the Governor, we felt that we'd done a fairly good job and in placing the, . . .and now as far as fringe benefits are concerned, magistrates will have the same fringe benefits as far as pensions and things like that are concerned, as the judges will."

E. J. Giorgi: "Well, Mr. Speaker, I'd like to speak to the bill for a minute. I . . ."

Hon. W. Robert Blair: "All right, proceed. I happen to be familiar with some of the magistrates in downstate counties and I happen to be familiar with some of the work of our non-lawyer magistrates and some of them have a larger work load than the magistrates that have an attorney's degree.



And I'm very much disappointed that the Judiciary Advisory Committee that who we relied on not to come here with a stronger argument so that their pay should be restored. I am very much disappointed."

Hon. W. Robert Blair: "The gentleman from Will, Mr. O'Brien."

George M. O'Brien: "Ah, Mr. Speaker, ah, I have great respect for my colleague, here, Representative McDevitt. I beg to differ with him on this issue. I think Representative Hanahan said it very well. The magistrates are the bread and butter ball carriers. They're carrying the load, they are not the in the lofty palaces of the higher justices, but they are doing the grubby day to day work and I think they're the ones who deserve the aid and comfort, if anyone does. It's my motion that Representatives Fleck and Carroll are dealing with Senate Bill 915 and this may restore the \$3,500.00 for the magistrates, which I feel is due them."

Hon. W. Robert Blair: "The gentleman from Bureau, Mr. Barry."

Tobias Barry: "Mr. Speaker and Ladies and Gentlemen of the House, and Zeke Giorgi listen to this, because I'm no longer a member of the Judicial Advisory Council, had no part of this. I think as the membership knows, it's been my position for many years with good judges, we need and we should pay them. As a matter of fact, I made quite a bit of noise in the last session trying to get the downstate judges paid on an equal basis with the Cook County judges, all of it paid by the State as the Governor promised about a year ago. And I intend to continue in that position."



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However, in this instance I really believe as Representative Hanahan and others have said, we've done a very much disservice to the people who carry the ball and handle most of the work load and I recommend that we turn down this motion and if necessary ship it back to the Governor again with a kind of a pay increase for the magistrates, now the Associate Circuit Judges, who really do the work, who really represent the State of Illinois to the public, the guys that the public see and give them the same kind of a pay increase that we gave to the the arbitrators in the Industrial Commission. They, too, ask for \$21,500.00 and they got \$21,500.00 and they deserved it. I think they're handling millions and millions of dollars a year as are the magistrates, now the Associate Magistrates, whether they be lawyers or non-lawyers. They're doing the same work and one day there will be no more non-lawyers downstate, but those who are still on are doing a heck of a job. So I recommend that we turn down my good friend, Bernie, in this instance and do another job on another bill, if necessary."

Hon. W. Robert Blair: "The gentleman from Macon, Mr. Borchers."

Webber Borchers: "Mr. Speaker. Mr. Speaker, Fellow Members of the House, it's just as incomprehensible to me to think that a few minutes ago we voted to permit in this coming year 50,000 more mouths to come into our state that we have no obligation to that we're now going to have to assume the of feeding them and with the agreeing to give certain judges a higher pay, I think we'd better save this money to meet



the bills of the 50,000 for the coming year."

Hon. W. Robert Blair: "The gentleman from Champaign, Representative Hirschfeld."

John C. Hirschfeld: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I would like to remind this body that this particular bill came up before us very late in the session and I think we finally worked it out with an amendment that we would raise the magistrates with \$21,500.00 around 2:00 A.M. in the morning and this was the first time that the bill was acceptable to both sides of the aisle and to all members of the House. Now, it seems to me that there are two reasons why this ah we should vote 'No' on this particular veto. In the first place, I have to agree with Senator Arrington and I'm extremely concerned about the constitutional powers that have been lodged in the Executive Branch of Government. And here is a chance here is a chance where the House on both sides of the aisle worked very diligently during the session to hammer out a good judicial pay raise bill. For no reason that I can understand, the magistrates have been reduced to nothing under the bill, so I think it's time that we re-exert our legislative influence and let the Executive Branch of government know that there still is a Legislative Branch of government and that the best House is on this side of the rotunda. Secondly and just as important, what is happening under this bill is that the lawyer magistrate is being returned to \$21,500.00 and thenon-lawyer magistrates are being



returned to \$15,000.00. Now, we have heard a great deal of cries over the past few weeks from universities and others who feel they are entitled to a cost of living increase and I personally agree with this. It seems to me that raising them to \$21,500.00, if you figure out the percentage over the years that these good gentlemen have worked as magistrates is a little more than a cost of living increase. For these two reasons, then, because I think we need to reassert our legislative authority and because these raises would be nothing more than a cost of living increase was the hardest working members of the judiciary, I move that we vote 'No' on this particular motion."

Hon. W. Robert Blair: "The gentleman from Christian, Representative Tipword."

Rolland F. Tipword: "Mr. Speaker, Ladies and Gentlemen, I came with some reluctance in this situation to to not because I oppose this motion to concur with the Governor's amendatory veto, but I stand with some reluctance urging that we oppose it because I'm a little worried about what's going to happen if we are successful in opposing the Governor's amendatory veto for this reason. I think you'll recall I was very much opposed to this raid on the public treasury by the judiciary again and opposed this bill when it was before the House. Every single term that I've been a member of this House, the judiciary has been back in for another sizeable raise. And I think the judiciary has exhibited, unfortunately, this is the higher excellence of



the judiciary, a complete disregard for the separation of powers under the constitution continued to do so in all of its opinions and I think certainly does not deserve our accommodation with a raise of any kind. Nevertheless, I do think that this amendatory veto is unfortunate. I think it's unfortunate that the Governor singled out the magistrates and called them a historical accident. This particular veto message and treated them differently than other members of the judiciary. I would hope that we can refuse to concur with the Governor's amendatory veto and when it goes back to him I hope that he does the right thing by the people of the state and by the taxpayers of the state of Illinois and turns down this unwarranted raise across the board and that we might come back in here in assembly and do right by the magistrates of this state. So, consequently I do urge that we refuse to concur in the Governor's amendatory veto of this bill."

Hon. W. Robert Blair: "The gentleman from McHenry, Representative Lindberg."

George W. Lindberg: "Will the sponsor yield to a question?"

Hon. W. Robert Blair: "He indicates he will."

George W. Lindberg: "Ah, Representative McDevitt, the transition schedule of the constitution requires legislative action by this body so that the former associate judges who became circuit judges on July 1 will be entitled to the pay of circuit judges. There is at the present time a \$2,500.00 <sup>disparity</sup> disparity between old associate judges who are now circuit



judges. Now, if we refuse to concur in the Governor's amendatory veto and he were to veto this bill, is it not true that we would then have a situation whereby the former associates who are now circuit judges would continue to be paid at \$25,000.00 and the circuit judges would would ah be paid \$27,500.00."

Bernard McDevitt: "I would say that's correct."

Hon. W. Robert Blair: "The. . ."

George W. Lindberg: "Now, I would just like to say ah on that point and I'd like to draw to the attention of the members, that if the Governor ah by our action today is forced to ah veto this bill, we have a situation then where we have three levels of judiciary as far as the pay is concerned at the tile level, we have what we now call Associate Judges, now getting \$18,500.00. We have the former Associate Judges, now Circuit Judges at \$25,000.00. This is without regard to the add on and we have the regular circuit judges at \$27,500.00, and based on the conversations I've had and at least with the former Associate Judges, they could care less about the pay increase that's involved here for Circuit Judges, but they want to be treated equally with other Circuit Judges so that they're all at least getting \$27,500.00 instead of the prosperity between \$25,000.00 and \$27,500.00, and so forthat reason ah I guess I'm suggesting that we probably should concur in the Governor's amendatory veto."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. B. B. Wolfe."



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Bernard B. Wolfe: "Ah, will the gentleman yield to a question, Mr. Speaker?"

Hon. W. Robert Blair: "He indicates that he will."

Bernard B. Wolfe: "Ah, Bernie, has the Association of Associate Judges taken any position on the concurrence or non-concurrence?"

Bernard McDevitt: "Well, I would imagine that not to my knowledge, I wouldn't know that Bernard, ah, but the bill being classified now as the Circuit Judge Bill, they'll come in for the benefits of this bill, which they're entitled to. But, the association, the former association of magistrates, who are now 'Associate Judges' under the constitution. Ah, not with the council, I understand that the committee waited on the Governor and ah from what I understand, apparently discussed the matter with the Governor, but I wasn't in on it, of course."

Bernard B. Wolfe: "Thank you."

Bernard McDevitt: "You're welcome."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Glass."

Bradley M. Glass: "Thank you, Mr. Speaker. Will the sponsor yield for a question?"

Hon. W. Robert Blair: "He indicates he will."

Bradley M. Glass: "Representative McDevitt, so that the issue is clear, before all of the Ladies and Gentlemen here, am I correct if we do not concur, this bill will go back to the Governor and he will either have to veto it in its



entirety or sign it, without his amendments, is that correct? So that that is correct, then it seems to me that the issue is either ah these pay raises will go into effect the way we passed them originally, or they will be vetoed completely. I think that should be understood so we know that there can be no further amendments by the Governor at this point."

Hon. W. Robert Blair: "The gentleman from Lawrence, Representative Cunningham."

Roscoe D. Cunningham: "Mr. Speaker, will the sponsor yield to a question?"

Hon. W. Robert Blair: "He indicates that he will."

Roscoe D. Cunningham: "Ah, Bernie, I wasn't clear with your answer a minute ago to George's question as to whether or not the former Associate Judges and now Circuit Judges were being paid \$25,000.00 or \$27,500.00 a year? What was your answer?"

Bernard McDevitt: "They will receive the same salary as the Circuit Judge now which gives them a raise up to \$29,000.00."

Roscoe D. Cunningham: "Well, even without the passage of this bill, they'll continue to receive \$27,500.00, isn't that true, since July 1, 1971, under the new constitution?"

Bernard McDevitt: "I think, I think that may be right, yes."

Roscoe D. Cunningham: "Then the prior statement by the gentleman from Crystal Lake to the effect that there would be three levels of pay would not be accurate, would it? As I understood his statement, it would be \$27,500.00 and \$25,000.00."



for the two the two groups that constitute the Circuit Judges at the present time."

Bernard McDevitt: "Ah, do you want to address that question to Representative Lindberg?"

Roscoe D. Cunningham: "No, I'm addressing it to you, you're the authority on this."

Bernard McDevitt: "Thank you. Representative Lindberg, do you care to answer this? Representative Cunningham is saying that there are not three levels, there wouldn't be three levels because the Associate Judges will go back to the same scale."

Hon. W. Robert Blair: "Representative Lindberg."

George W. Lindberg: "Ah, Representative Cunningham, my analysis of the transition schedule of the constitution and I think Representative Barry agrees with me. If this 1098 does not become law, you will have Magistrates who are now known as Associate Judges being paid \$18,500.00, and you will have the former Associate Judges who are now nominally Circuit Judges being paid \$25,000.00 by reason of this transition schedule, and you will have the Circuit Judges being paid \$27,500.00, so you will have three pay classifications."

Roscoe D. Cunningham: "Ah, Representative Lindberg, have you checked your analysis with the Auditor's Office? I'm told that the Associate Judges formerly who now became full Circuit Judges on July 1, 1971, pursuant to the constitution, from that day forward received \$27,500.00, your analysis





notwithstanding."

Hon. W. Robert Blair: "One more reply from Representative Lindberg, because this is a out of order."

George W. Lindberg: "I haven't checked with the Auditor's Office, but they have filed suit on this issue, because they, I'm advised by the former Associate Judges who are now Circuit Judges that they are not getting the increment that they're entitled to, and maybe that's an error in fact but I understand that to be the case."

Roscoe D. Cunningham: "Are, . . .Mr. Speaker and Members of the House, if I may speak just for a moment on this particular bill. I don't think there is a dime's worth of chance that the present circuit judges will be paid on two scales and we should not use that for the basis for giving an unwarranted pay increase in this particular instance. This is the classic example of the rich getting richer and the poor staying poor. And there is one more reason why it is to behold the duty of each of you to behold and vote 'No' on this proposition and that is the inequitable disparity between the prices of the Circuit Judges in Cook and DuPage County compared with the rest of the State. Though they may think otherwise, there are more counties in this State than Cook and DuPage and the caliber of the judiciary downstate is quite as clever and capable and deserving as those in Cook County and I am instructed by the majority of the 15 or so judges that we have in our district to forego the paltry pay raise in the name of ah



fair play that is we never are in favor of voting for a situation which preserves the inequity which presently exists. There's no excuse for a pay on increase, an add on, in Cook and DuPage to the discouragement of our judiciary. I urge everyone vote 'Red' on this one."

Hon. W. Robert Blair: "The gentleman from Bureau, Mr. Barry."

Tobias Barry: "Mr. Speaker, just as a matter of information to this House, there is on our calendar, Senate Bill 915 handled by Howie Carroll that will do anything that this House, as part of the legislature, as the better House, chooses to do and ship it back to the Governor in the form that we choose, so don't think by voting against this that you're losing for all for your friendly judge, because you are not, we'll have another opportunity in another couple of days."

Hon. W. Robert Blair: "The gentleman from Lake, Representative Pierce."

Daniel M. Pierce: "Mr. Speaker, I just wanted to clear up something that Representative Glass indicated that I don't think was correctly interpreting the new constitution. He said if we do not accept the amendatory veto this bill goes back to the Governor and the Governor can then sign it or veto it. It would seem to me that this isn't a reduction veto, it's an amendatory veto and if this bill goes back to the Governor without our accepting this vote today, he can not certify that we've accepted conforming to his specific recommendations, because his specific recommendations is in



this motion. If we don't vote for this motion, then the bill is returned to the Governor and he can veto it outright or it doesn't become law, that's my interpretation. If we refuse to accept the changes he's recommended here, I don't think the Governor can then sign this bill into law, because we've refused to accept these specific recommendations and I don't believe he can certify that our acceptance conforms to his specific recommendations under Section 9 (e) of the new constitution, Article IV of the legislation. I'm going to oppose this and if we defeat this motion, I don't believe the Governor has any right to sign this bill into law because we have refused to accept his specific recommendations. He could veto it outright or just let it die."

Hon. W. Robert Blair: "The gentleman from Rock Island, Representative Henss."

Donald A. Henss: "Mr. Speaker and Ladies and Gentlemen of the House, Representative Glass has agreed with that last interpretation and it seems that if this amendatory veto is not carried that the whole bill will be a vetoed bill and will probably die. And so that the that the increases as to other judges would also ah not become effective. The question, Mr. Speaker, has it definitely been determined that this is an amendatory veto or is there a possibility that this is a reduction or a line item or an item veto? Has that question been determined?"

Hon. W. Robert Blair: "It's come to us. . ."



Donald A. Henss: "It's definitely an amendatory veto?"

Hon. W. Robert Blair: "That's correct, sir."

Donald A. Henss: "This is not an appropriation bill? All right."

Hon. W. Robert Blair: "Is there further discussion? If not, the gentleman from Sangamon, Mr. Gibbs."

W. Joseph Gibbs: "Mr. Speaker and Ladies and Gentlemen of the House, I am confused on this. Could we have a ruling from the Chair as to what happens if we don't concur with this amendatory veto? What happens to the bill?"

Hon. W. Robert Blair: "Representative Gibbs, pursuant to the rules, Rule 100, your inquiry is really not a parliamentary inquiry to the Chair or to the House of Representatives. If the House fails to concur with the Senate action relative to this bill and the amendatory veto thereto, we will return the bill to the Governor and that is the only ruling we can make."

W. Joseph Gibbs: "In other words, you're not advising me what the Governor can do? That's not a proper parliamentary inquiry?"

Hon. W. Robert Blair: "That's right. The gentleman from Cook Representative Fleck."

Charles J. Fleck: "Parliamentary inquiry, Mr. Speaker."

Hon. W. Robert Blair: "State your point."

Charles J. Fleck: "Did you rule that if we do not concur with this amendatory veto that the bill will be returned to the Governor as a vetoed bill and we will not have another op-



portunity to vote to override his veto if we do not concur with the recommendations?"

Hon. W. Robert Blair: "All the all the Chair has ruled, Representative Fleck, is that pursuant to Rule 100, that if the House fails to adopt that amendatory veto we will return the bill to the Governor with a message that we failed to adopt the amendment. Representative Shea, for what purpose do you rise, sir?"

Gerald W. Shea: "Mr. Speaker, myunderstanding and correct me if I'm wrong, that if the bill does not receive 89 votes in this chamber, it then may be treated as a vetoed bill and there could be a motion to override if it's still within the fifteen days and then go back to the other chamber?"

Hon. W. Robert Blair: "That has not been the Chair's prior ruling. The gentleman from Cook, Representative McDevitt, to close the debate."

Bernard McDevitt: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, as Representative Barry mentioned, there is before the House Senate Bill 915 which dealt with magistrates only. Now, I want you to keep in mind that the magistrates have presented a peculiar problem in three different directions. First of all, you have a variety of salaries between downstate and Cook County and there is a lot of feeling among the members of the House that this salary ought to be unified. Another thing, you have a question of the variety of magistrates in the sense that there are some 22 non-lawyer magistrates in downstate counties and there's



been a feeling among many members of the House that their salaries should be kept the same as the lawyer Magistrates. In addition to that, because of the Cook County add on, the feeling has been right among a lot of the members of the House that the add on should be eliminated so that all magistrates should receive the same amount of money. I've always had the feeling that the magistrates should be specially dealt with and I think that Senate Bill 915 will be the medium which can be used to take care of solving these three distinct questions which are always going to arise to plague us when we come to fix the salaries of magistrates, so I would recommend to you that you consider carefully this bill and vote in favor of the Governor's action on it so we can take up the magistrates as a special issue and decide that issue once and for all and get those three questions solved and fix the magistrates salaries in a fair compensation, which I know a lot of you feel they're entitled to receive. I would respectfully ask for your favorable report on this bill."

Hon. W. Robert Blair: "The question is shall the House concur with the Senate action relative to Senate Bill 1098. All those in favor will signify by voting 'Yeas', the opposed by voting 'No'. This will take 89 votes. The gentleman from Cook, Representative Ewell, to explain his vote."

Raymond W. Ewell: "Mr. Speaker, Ladies and Gentlemen, I should like to be recorded because I'm know at the end of all this dust the judges are gonna get their money, so record me as



'Present'."

Hon. W. Robert Blair: "Record the gentleman as voting 'Present'."

The gentleman from Lake, Representative Matijevich."

John S. Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I would suggest that this is a good bill and we might have a court test on the Governor's amendatory veto. I would therefore suggest that we vote against this. My interpretation is that if we don't concur with the Governor's specific recommendations, this is a dead bill. The rules evidentially are otherwise. I don't think we can by rule counteract what the constitution says, so I think what we're doing, we're giving the Governor two shots at being the chief legislator of the State of Illinois. By the interpretation we have been given, we have said that we can act on his specific recommendations, if we don't approve the interpretation is that he gets the bill back and can approve or veto. I think we've given any Governor too much power and I think we as the legislature, by voting 'No', ought to test that power."

Hon. W. Robert Blair: "The gentleman from McLean, Representative Hall."

Harber H. Hall: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, I'd like to be recorded as 'Present' on this. We've heard distinguished lawyers on the floor of this House explain their own interpretation and they differ among themselves and how can we non-lawyers vote on some of these propositions, right now on this one, without any better



knowledge of what happens one way or the other and I would certainly like to recommend that this House get together and explain how exactly this thing is going to work before we're asked to vote on anymore of them. I vote 'Present'."

Hon. W. Robert Blair: "The gentleman from Winnebago, Representative Giorgi."

E. J. Giorgi: "Mr. Speaker, thank you. I think that today is a good answer we can give House Bill 3700 some fresh impetus today by having all the lawyers who are voting green get off the board because I think they're voting maybe out of fear because they're going to have to go to the Supreme Court and the Appellate Court and the Circuit Court to practice. I think they're trying to make some brownie points. I think this is what ethics is all about. I think we ought to get 3700 off to a fresh start this morning by getting all the lawyers off the green lights."

Hon. W. Robert Blair: "The gentleman from Lake, you rise on a point of order?"

Daniel M. Pierce: "Ah, Mr. Speaker, it's a parliamentary inquiry. The temporary speaker indicated that this would be returned to the Governor under our Rule 100. Now, this is a Senate Bill and am I right that the Senate rules would determine whether or not this bill amendatory veto was returned to the Governor should we not should we not concur in the motion to accept the Governor's. . . I don't even know what the Senate's rules is about returning amendatory veto to the Governor, but I do think, and I ask the Speaker





respectfully whether he agrees that probably the Senate rule would determine in this case whether the bill whether or not the bill is returned to the Governor if we fail to agree in the amendatory changes recommended by the Governor."

Hon. W. Robert Blair: "Well, the House fails to concur that message will be sent to the Senate and the disposition that the Senate cares to make of it that will. The gentleman from Cook, Mr. Duff."

Brian B. Duff: "Ah, I've been as confused as it seems like everybody else is here listening to the debate, but I am persuaded by the comments from the Representative from Winnebago and the Representative from Lake, to this effect. Ah, if indeed this is going to be the kind of bill that will effect a court test, I can think of no bill that would be worse than a pay raise for judges themselves as they look at it in court. Ah, now, as respect the comments of the gentleman from Winnebago, without fear because of my first comments, I now intend to vote 'Yes'."

Hon. W. Robert Blair: "All right, now, have all voted who wished? The Clerk will take the record. Barry, 'No'. On this question, there are 68 'Yeas' and 55 'Nays' and the House fails to concur in the motion in the action of the Senate respecting Senate Bill 1098. Berman, 'Present'. Simms, 'No'. Fleck, 'Yeas'. Gibbs, 'Present'. Palmer, 'Present'. 2322. House Bills third reading, with leave of the House, House Bill 2322."

Fredric B. Selcke: "House Bill 2322. A bill for an act to



amend the 'Illinois Public Aid Code'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Miller."

Peter J. Miller: "Well, Mr. Speaker and Ladies and Gentlemen of the House, there was a lull before the storm and I hope there won't be a storm over this bill which received 88 votes the last time I called it. I hope that some of the fellows who this morning displayed the vote on the residency bill will now come to the realization that we can make some money and save some money by having welfare recipients who are able and found able and healthy by the doctor to accept the work given to them by the municipality and it's all the bill does, but it also says that if they refuse to work, they will be taken off welfare. Mr. Speaker, I'm not going to belabor the point. We discussed this point, everybody has their mind made up and I hope it's made up in favor of the bill. We must show those who are paying the state income tax, who are spending their dollars, paying their property tax, state income tax, that we do and are concerned about saving some money and I do think you'll all score well with your recipients by supporting this bill. Mr. Speaker, I ask for an affirmative vote."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Taylor."

James C. Taylor: "Would the gentleman yield for a question?"

Hon. W. Robert Blair: "He indicates that he will."

James C. Taylor: "Mr. Miller, under this bill will they get the same rate of pay that a laborer gets on a job doing a



day's work for laborary pay?"

Peter J. Miller: "Yes, they'll get the prevailing rate wage."

James C. Taylor: "For instance, ah I know a laborer who works for \$4.83 an hour. Under this bill, working six hours, would that particular individual get \$4.83 an hour under your bill?"

Peter J. Miller: "Well, I believe that the municipalities have a wage scale or prevailing wages for the occupation, Clerk-typist jobs that they will be placed into. Yes, they will get that. And I believe that they deserve it if they do the work."

James C. Taylor: "Thank you."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. Will the sponsor yield to a few questions?"

Peter J. Miller: "You're a little, you may be a little too big for me, but I'll tackle them."

Thaddeus S. Lechowicz: "Well, Pete, we'll make a good try anyway. Who determines whether work is available in these areas and that these people will be paid for the work?"

Peter J. Miller: "The local governments in municipalities where they reside."

Thaddeus S. Lechowicz: "Now, is this mandatory as far as on a local level?"

Peter J. Miller: "No, it isn't."

Thaddeus S. Lechowicz: "Now, Pete, I think you're quite familiar as far as the area that we represent and the amount



of unemployment that we're presently facing."

Peter J. Miller: "The bill, I believe that the bill states that if there is work available, and if the municipality assigns it to them, and then they deny it say they won't work, then I think that they should be taken off the welfare rolls."

Thaddeus S. Lechowicz: "Roll call."

Hon. W. Robert Blair: "All right, any further discussion?"

The question is shall House Bill 2322 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the . . .the gentleman from Bureau, Mr. Barry."

Tobias Barry: "Mr. Speaker, Ladies and Gentlemen of the House, in explaining my 'No' vote I respectfully disagree with the sponsor of this bill, Mr. Miller. This appears to be mandatory provided such work is available by one of the amendments, probably only one of the amendments and there is no permissiveness in this at all and who is to determine whether that work is available is one devil of a good question, so in my opinion, it is not permissive, it is a mandatory and there is no indication as when and whether the work is available and I presume that this would have this would take one of two roads. Either it's a worthless bill and work is never going to be available if it's decided by the municipality or it's going to do away with some of the people who are currently on payrolls. I can't understand it and for that reason I must vote 'No'."



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Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to explain my 'No' vote. This bill would require municipal corporations to hire to put to work physically able welfare recipients. Now, I see nothing wrong if people are physically able to work and are on welfare to work and I think that's the present law in the present program. But to make a municipal corporation find work for people when there is none available, I go along with Representative says, is that are we going to require the municipal corporation then going to fireemployees to put them to work or are we going to like in some of our downstate areas where we have great unemployment because of the national economy, just require these municipal corporations to fire people who have been for years and years working for them and able or in order to put these people to work, I think if this bill passes to make it permissive I told Representative Miller I would have supported it and I'd be happy if he'd want to bring it back to second reading to work out the appropriate language."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Palmer."

Romie J. Palmer: "Mr. Speaker and Ladies and Gentlemen of the House, I believe that President Nixon signed this summer a bill called the 'Economic Opportunities Act'. George Dunn, the President of the Board of Cook County, has a the County Board has a grant from the federal government and it I remember right, my figures correctly, it's about \$18

million which will be provided to the municipalities and Cook County to hire people who are otherwise on welfare to do jobs for municipalities and other governing bodies. I think that Pete's bill here sort of fits into that pattern. I think it's a good bill and should be passed."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. In reply to the previous speaker, the 'Emergency Employment Opportunity Act' that he stated presently the County of Cook and the City of Chicago is trying to find employment for Viet Nam veterans with these funds. I think if the previous gentleman attended the joint public welfare committee that was held on this floor, the President of the Cook County Board George Dunn attested this fact when he was questioned by members of that body, where this money is being spent and exactly how it is being administered. I think Representative Miller will remember the opposition that we had on this bill previously because it was amendatory on the local government and it was permissive and we had the jobs available we would support this bill. I urge you to vote 'No' on this bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Barnes."

Eugene M. Barnes: "Mr. Speaker, Members of the House, I'd like to add one little correction, not a correction, but an addition to what Representative Lechowicz has just said in the federal emergency job grant that was just according to the figures that was given out by the Public Aid Depart-



ment, 15,000 of those jobs would come to the State of Illinois, but of those 15,000 jobs, only one thousand would come to the County of Cook. Now, according to the figures that's been given in recent days in terms of the general assistance program where most of the people that could possibly be employable would be at, I understand that there are roughly 22,000 to 27,000 people that would be considered employable. Now, since only 1,000 jobs in terms of federal assistance was given for the specific toward directed toward putting any of these people to work, I think it's a highly ferioniously argument here to say that these people 20,000 to 22,000 people in the County of Cook could be put to work. I think you could find this in all the other counties of the State of Illinois, so what you're saying here in reality is that your counties will have to come up with the money to supply work for these people. I think you should take that into consideration when you vote on this particular piece of legislation."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Schneider."

J. Glenn Schneider: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It seems like we're trying to mandate a very complex thing. It is seems to be unlikely that people are resisting work if they're capable of handling it. I seem to recall also in recent days and weeks that the Governor himself acknowledged this by hiring an agency himself to test people at \$35.00 a person to determine their



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eligibility for employment. Now, if the Governor is willing to acknowledge the complexity of that, I seem to think that our collective body with its wisdom should also acknowledge it and I think we should vote 'No' on this very difficult issue."

Hon. W. Robert Blair: "Have all voted who wished? The gentleman from Cook, Mr. Juckett."

Robert S. Juckett: "Mr. Speaker and Ladies and Gentlemen of the House, when this particular bill was before the Executive Committee, the questioning was what do the experts in the field want and do they agree with your bill and these questions were asked of the sponsor. That particular time I don't know whether the sponsor had all the answers, as far as the experts were concerned, but I have been meeting with the last five or six months, with the experts from public welfare and these are the people who run the county programs, the county welfare executives, and the one thing that they are all completely agreed on is that we should have a work program and that if we do have a work program, we will not only assist the state, but will assist the welfare recipients, because they realize that many of them do desire to work and by having a work program they say that we will solve many of the problems of welfare. I specifically ask them about the provisions of this bill and then they were 100% agreed that the provisions of this bill would go along way in helping the problems. This is the expert opinion. This isn't mine, this isn't Representative Miller's,



this is the opinion of the county welfare executives, 102 people who administer welfare in this state and if they think that this program is good, then I think it deserves an 'Yeas' vote from this General Assembly."

Hon. W. Robert Blair: "All right, have all voted who wished? The Clerk will take the record. The gentleman from Cook, Mr. Miller."

Peter J. Miller: "I request that the absentees be polled, Mr. Speaker."

Hon. W. Robert Blair: "All right, poll the absentees."

Fredric B. Selcke: "Arrigo, Boyle, Brummet, Caldwell, Calvo, C. . . ."

Hon. W. Robert Blair: "Caldwell, 'No'."

Fredric B. Selcke: "Capparelli, Capuzi, Chapman, Choate, Craig, Douglas, Downes, Ewell, Fennessey, Gardner, Granata, Hart, Gene Hoffman, Holloway, Karmazyn. . . ."

Hon. W. Robert Blair: "Holloway, 'No'. Holloway, 'Yeas'."

Fredric B. Selcke: "Katz, Kennedy, Klosak, Kosinski, Lenard, Matijevich, McClain, Murphy, Pierce, Redmond, Ropa, Scariano, Springer, Stedelin, Stone, Telcser, Terzich, Tipword, Frank Wolf."

Hon. W. Robert Blair: "On this question, the gentleman from Winnebago, Mr. Simms."

W. Timothy Simms: "Ah, how am I recorded, Mr. Speaker?"

Hon. W. Robert Blair: "The how is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."



Hon. W. Robert Blair: "On this question, there are how is the gentleman from Cook, Mr. Telcser, recorded?"

Fredric B. Selcke: "The gentleman is recorded as not voting."

Arthur A. Telcser: "Yeas."

Hon. W. Robert Blair: "Record the gentleman as voting 'Yeas'. The gentleman from Brown, Mr. Markert."

Louis A. Markert: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."

Louis A. Markert: "Record me as 'Present', please."

Hon. W. Robert Blair: "Change the the gentleman from 'Yeas' to 'Present'. The gentleman from Cook, Mr. Bluthardt."

Edward E. Bluthardt: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'No'."

Edward E. Bluthardt: "Will you change that vote to 'Yeas', please?"

Hon. W. Robert Blair: "Change it from 'No' to 'Yeas'. The gentleman from Cook, Mr. Epton."

Bernard E. Epton: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Nay'."

Bernard E. Epton: "Change it to 'Yeas'."

Hon. W. Robert Blair: "Change that 'No' vote to 'Yeas'. On this question, there are 89 'Yeas' and 52 'Nays' and this bill having received the constitutional majority is hereby



declared passed. Well, they're going to have to get the Chair's attention, you know. What purpose does the gentleman from Kankakee, Mr. Hamilton, rise?"

C. Russ Hamilton: "Veri. . ."

Hon. W. Robert Blair: "You're requesting a verification?"

C. Russ Hamilton: "How am I recorded?"

Hon. W. Robert Blair: "The vote's already been announced.

3650. For what purpose does somebody rise? Lechowicz?"

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. I humbly request for a verification of the last vote."

Hon. W. Robert Blair: "All right."

Fredric B. Selcke: "Affirmative."

Hon. W. Robert Blair: "We'll verify. Read the affirmative."

Fredric B. Selcke: "Af- . . ."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. Barnes, rise?"

Eugene M. Barnes: "Mr. Speaker, I would like to request that the members on the opposite side would be in their seats. It's pretty hard to verify them standing up."

Hon. W. Robert Blair: "The gentleman from Union, Mr. Choate."

Clyde L. Choate: "Yes, Mr. Speaker, while we're setting up the procedure to verify, I would like to tell the members that a former member of this legislature with lengthy term of distinguished service is now in the back of the room, I think it's the first time he's been on the floor of the House in many years, former member of the House, Bert Baker from Benton, Illinois."



Fredric B. Selcke: "Alsup. . ."

Hon. W. Robert Blair: "For what purpose does the gentleman from Kane, Mr. Waddell, rise?"

R. Bruce Waddell: "Ah, Mr. Speaker, on a point of personal privilege. I would like to congratulate the Clerk on the job of getting lights on that board so that we can see the board and the names. Thank you very much, I speak for all of us, I am sure."

Fredric B. Selcke: "Alsup, Anderson, Bartulis, Blades, Bluthardt, Borchers, Brenne, Brinkmeier, Burditt, Campbell, Carrigan, Clabaugh, Phil Collins, Conolly, Cox, L. Cunningham, R. Cunningham, W. Cunningham, Day, Duff, Dyer, Epton, Fleck, Friedland, Gibbs, Glass, Hall, Hamilton, Harpstrite, Henss, Hirschfeld, Ron Hoffman, Holloway, Houde, Hudson, Hunsicker, Hyde, Jacobs, Janczak, Jones, Juckett, Kahoun, Keller, Kipley, Kleine, Lauterbach, Lehman, Lindberg, Ed Madigan, McAvoy, McCormick, McDevitt, McMaster, Meyer, Kenny Miller, Peter Miller, Moore, Neff, North, Nowlan, George O'Brien, Palmer, Pappas, Philip, Randolph, Regner, Rose, Schisler, Schlickman, Schoeberlein, Sevcik, Shapiro, Simmons, Timothy Simms, Soderstrom, Telcser, Jack Thompson, Tuerk, VonBoeckman, Waddell, Wall, R. Walsh, W. Walsh, Walters, Washburn, Williams, J. J. Wolf, Zlatnik, and Mr. Speaker."

Hon. W. Robert Blair: "House Bill 3650. The gentleman from Cook, Mr. Lechowicz, for what purpose do you rise?"

Thaddeus S. Lechowicz: "Well, I was wondering if I could



verify some of the absentees?"

Hon. W. Robert Blair: "Oh, . . . all right. Proceed."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. Is Representative Alsup?"

Hon. W. Robert Blair: "Yes."

Thaddeus S. Lechowicz: "Anderson?"

Hon. W. Robert Blair: "Yes."

Thaddeus S. Lechowicz: "Bartulis?"

Hon. W. Robert Blair: "Wait a minute. Well, Bartulis is here, Anderson isn't. How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "Representative Blades?"

Hon. W. Robert Blair: "Ah, how is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "Representative Collins?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The. . ."

Hon. W. Robert Blair: "There he is, he's back there."

Thaddeus S. Lechowicz: "Representative Duff?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Take him off the record."



Thaddeus S. Lechowicz: "Representative Fleck?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting  
'Yeas'."

Hon. W. Robert Blair: "All right, he's back there."

Thaddeus S. Lechowicz: "Representative Glass?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting  
'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "Houde?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting  
'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "Jacobs?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting  
'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "Ed Madigan?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting  
'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "C. L. McCormick."

Hon. W. Robert Blair: "How is the gentleman recorded?"



Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "Dick Walsh?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "Carrigan?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "That's all I have, Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Klosak, for what purpose do you rise?"

Henry J. Klosak: "Ah, Mr. Speaker, under Rule 63 dealing with verification of the roll call, I wish to have my vote corrected, it appeared to be that probably due to mechanical difficulty I am not recorded. At this time I wish to be recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Record the gentleman as 'Yeas'. The gentleman from DuPage, Mr. Hoffman."

Gene L. Hoffman: "'Yeas'."

Hon. W. Robert Blair: "Ah, record the gentleman as 'Yeas'."

All right, put McCormick back on, the gentleman from Cook, Mr. Madigan."



Michael J. Madigan: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'No'."

Michael J. Madigan: "May I be recorded as not voting."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Lech-  
owicz."

Thaddeus S. Lechowicz: "Ah, thank you, Mr. Speaker, I just  
have a few more. If I may? Representative Carrigan?"

Hon. W. Robert Blair: "Well, we took him off once."

Thaddeus S. Lechowicz: "All right, thank you. Holloway?"

Hon. W. Robert Blair: "I can't see back there. I still  
can't see. All right, the how is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting  
'Yes.'"

Hon. W. Robert Blair: "All right, take him off the record."

Thaddeus S. Lechowicz: "Hamilton?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting  
'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Thaddeus S. Lechowicz: "Jacobs?"

Hon. W. Robert Blair: "We took him off once."

Thaddeus S. Lechowicz: "Wall and Shapiro?"

Hon. W. Robert Blair: "What's that name again?"

Thaddeus S. Lechowicz: "Representative Wall and Representative  
Shapiro?"

Hon. W. Robert Blair: "Oh. Wall's here. And, no that's





Madigan. How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Take him off the record. Put Madigan back on."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker."

Hon. W. Robert Blair: "All right, the gentleman from Cook, Mr. Miller."

Peter J. Miller: "Mr. Speaker, I ask to postpone consideration of the bill."

Hon. W. Robert Blair: "All right, ah, . . ."

Peter J. Miller: "Take it out of the record."

Hon. W. Robert Blair: "Is there leave? All right. The bill will be placed on postponed. For what purpose does the gentleman from Cook, Mr. Shea, rise?"

Gerald W. Shea: "Mr. Speaker, under the rules of this House you can postpone consideration of a bill one time. I believe this bill was called up and postponed once before."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Miller."

Peter J. Miller: "I request to take it out of the record, I didn't ask to postpone it, the vote was not announced."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. Shea, rise?"

Gerald W. Shea: "Mr. Speaker, I would have no objection if he was to postpone it and I think maybe with an amendment or two we could make this a very acceptable bill if he'd like it."



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Hon. W. Robert Blair: "Well, I think you're ahead now, Pete. We'll we'll put it on postponed consideration, okay? All right. All right, ah, yeah, the gentleman from Cook, Mr. Gardner desires leave to call 3650 back to the order of second reading for the purposes of amendment. He's out of the gate and on his way to the Chair. Mr. Gardner."

J. Horace Gardner: "Mr. Speaker and Ladies and Gentlemen of the House, I'd like to recall House Bill 3650 from third to second reading for purposes of amendment."

Hon. W. Robert Blair: "All right, leave's been given, read the amendment."

Fredric B. Selcke: "Amendment Number One, Gardner. Amend House Bill 3650 on page 1, lines 15 and 20 by striking 'hockey and or football contest'; and on line 33 by striking 'hockey or football game'; and on page 2, by inserting below line 8 the following: 'The Department shall deposit all monies in the General Revenue Fund'."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Gardner."

J. Horace Gardner: "Mr. Speaker and Ladies and Gentlemen of the House, this bill was incorrectly drawn by the Reference Bureau because the bill only involved televised boxing shows to the state from out of the state and I move for the adoption of that amendment."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. Will the sponsor yield to a question?"

Hon. W. Robert Blair: "Yes, he indicates he will."



Thaddeus S. Lechowicz: "Representative Gardner, does your amendment amend out football or hockey games then?"

J. Horace Gardner: "Yeah, nothing's in it but ah ah boxing, professional boxing."

Thaddeus S. Lechowicz: "Now, does the Department of Revenue do they estimate how much revenue will be going into the General Revenue with the 5% tax on in this area?"

J. Horace Gardner: "No, there was no estimate given. As a matter of fact, Representative Lechowicz, the last heavy weight boxing fight that was televised in the state, there were outlets in all Chicago and the outside of Chicago downstate, where they had outlets, the State didn't know how many there were, nothing. It requires a registration and a \$5.00 fee for each outfit."

Thaddeus S. Lechowicz: "Thank you."

Hon. W. Robert Blair: "Any further discussion? All those in favor of the adoption of the amendment say 'Yeas', the opposed 'No', the 'Yeas' have it and the amendment is adopted. Are there further amendments?"

Fredric B. Selcke: "Amendment Number Two, Gardner. Amend House Bill 3650 on page 1, by striking line 31 and inserting in lieu thereof the following: 'be, and shall be accompanied by an application fee of \$50.00 and \$5.00 for each location at which the event will be shown.'; and on page 2, line 6, by striking 'a license fee of'; and."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Gardner."

J. Horace Gardner: "Ah, this is ah the state and I just pre-



viously made relative to the application for the license and \$5.00 fee for each location that the event will be shown. I move for the adoption of the amendment."

Hon. W. Robert Blair: "Discussion? All those in favor of the adoption of the amendment say 'Yeas', the opposed 'No', the 'Yeas' have it and the amendment is carried. Are there further amendments? Third reading. Ah, I understand that the gentleman from Winnebago, Mr. Giorgi, desires to bring 3018 back to the order of second reading for the purposes of amendment. Is there objection? All right, leave having been granted the bill will be called back. Read the amendment."

Fredric B. Selcke: "Amendment Number One, Nowlan."

Hon. W. Robert Blair: "The gentleman from Stark, Mr. Nowlan."

James D. Nowlan: "Mr. Speaker and Members of the House, the new Illinois Constitution states that by law the General Assembly shall specify a means for determining the ability of any Governor to serve or resume office. Representative Giorgi in the Spring presented a proposal that would create a Gubernatorial Disability Commission comprised of the other elected State Officials. There was concern on the part of several members of that constitutional implementation committee, that the committee was incomplete without some membership from the Governor's office itself, some official of the Executive who works closely with the Governor and would have insides into the potential disabilities. This amendment which has been worked out with Representative



Giorgi and the staff serving both parties on the constitutional implementation committee provides that further membership of one member appointed by the Governor and failing appointment by the Governor would be a specified official, the Director of the Bureau of the Budget. I think that is a reasonable addition to that commission and it is agreed upon by members of both sides in that committee and I ask for its adoption."

Hon. W. Robert Blair: "Any further discussion? All those in favor of the adoption of the amendment say 'Yeas', the opposed 'No', the 'Yeas' have it and the amendment is adopted. Are there further amendments? Third reading. All right, with leave of the House, we'll go over to consideration postponed and there appears there House Bill 2033 which has been read a third time and on which the Chair recognizes the gentleman from Cook, Mr. Kahoun."

Ray J. Kahoun: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 2033 amends the 'School Code' and provides for a vision examinations for school children, provides that they must be examined by a licensed optomologist or a licensed optometrist and reported on a separate form. Ah, this bill has been thoroughly discussed in the past and I would just simply say that I'd appreciate a favorable vote. Thank you."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Schneider."

J. Glenn Schneider: "Thank you, Mr. Speaker. The bill indeed



has been thoroughly discussed in the past and was resoundly sent back, I think, and appropriately so. If I could briefly point that we have already passed the bill which allows for vision screening and has now become public law as signed by the Governor this past summer. Now, the problem with 2033, it seems to me is, is clear in a couple of areas. One, if vision screening is not an adequate way to check out the prospective students' eyes as it relates to his educability, I think we ought to give that possibility a chance to work. Vision screening, by the way, does not mean we are just testing a child's eyes on the basis of the tumbling E's chart. It involves a lot more than I think the Representative Kahoun has indicated in the past. It involves studying for depth perception and inner eye imbalance as well as visual acuity, so we're doing more with the vision screening bill than I think has been represented in the past, so I think we ought to give vision screening an opportunity to function in the State of Illinois and see how that works. In the event it is judged unsuccessful by educators and parents and perhaps the public health department, then I think justifiably so we can come back with 2033 in another term, but right now all we're going to do is increase the cost of trying to determine the visual problems of students throughout the State of Illinois. It seems to me we're going to be faced time and time again with overcrowding and inadequate number of optometrists and optomologists who are available to conduct these kinds



of vision screenings. We're talking about not just a few students here, we're talking about hundreds of thousands of students who will be required to take a thorough eye examination. As distinctly different from a vision screening test which would allow a very sufficient eye examination for the problems that I have described before. It should also be noted that in the event a vision screener detects a very serious eye problem, either the student or the child will immediately be referred to an optomologist or an optometrist. So I suggest that perhaps with the bill with its good intentions this is really a bill that has not yet come to its day. I think we ought to wait to see if vision screening is an adequate way. I think it is. And I think in that event we ought to hold off on 2033 and give the opportunity for the vision screeners to screen out children with regard to their problems, so I suggest that we defeat the bill and in another term perhaps I'll be glad to support Mr. Kahoun if I think it's necessary. So, please vote 'No'."

Hon. W. Robert Blair: "The gentleman from Bureau, Mr. Barry."

Tobias Barry: "A question of the sponsor, please."

Hon. W. Robert Blair: "Ah, he indicates he'll yield."

Tobias Barry: "Ray, who pays for this? That's my only question."

Ray J. Kahoun: "This would be a similar situation like we presently have for the physical examination, the parent would pay. This would be three stages during the school



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career of the child."

Hon. W. Robert Blair: "Further discussion? The gentleman from Cook, Mr. Kahoun, to close."

Ray J. Kahoun: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, I would just like to say in answer to Representative Schneider, he kept talking about these people who give these reading examinations with the chart. Now, the chart can measure can't measure inacuity, it can't measure visual function, it can't tell whether your eyes are aligned properly, it can't discover pathological problems, it can't look into internal diseases of the eye. This would be an example examination given in three stages of a child's school career would be in the fifth to the ninth grades, kindergarten to first grade, fifth to the ninth grade and the fourth to the fifth grade and what it an examination by a person trained to examine the eyes, a person who knows what he's doing, this wouldn't be by someone who had fifteen hours of training with a chart. The comprehensive examination, I think this is a step in the in the line of preventive medicine, it's a good bill and I'd appreciate your support."

Hon. W. Robert Blair: "The question is shall House Bill 2033 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 92 'Yeas' and 17 'Nays' and for what purpose does the gentleman from Cook, Mr. Juckett, rise?"





Robert S. Juckett: "Mr. Speaker, having voted on the prevailing side, I move that the vote by which this bill passed be reconsidered."

Hon. W. Robert Blair: "Is hereby declared passed. Now, the gentleman from Cook, Mr. Juckett."

Robert S. Juckett: "Mr. Speaker, having voted on the prevailing side, I move that the vote by which this bill passed be reconsidered."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. McAvoy."

Walter McAvoy: "Table."

Hon. W. Robert Blair: "All those in favor of the motion to table say 'Yeas', the opposed 'No', the 'Yeas' have it and the motion is tabled. All right, with leave of the House, we'll go back to third reading on which there appears House Bill 1781."

Fredric B. Selcke: "House Bill 1781. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using or ingesting household substances, and to provide for the administration thereof. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Burditt."

George M. Burditt: "Mr. Speaker, may I have leave to House Bill 1781 and House Bill 1668 and 1669 heard together?"

Hon. W. Robert Blair: "1668 and 1669?"

George M. Burditt: "Yes, sir."

Hon. W. Robert Blair: "All right, is there leave? The Clerk will read those."



Fredric B. Selcke: "House Bill 1668. An act to amend Section 2-15 of the 'Uniform Hazardous Substances Act of Illinois'. Third reading of the bill. House Bill 1669. An act to amend Sections 10, 15, 16 and 19 of the 'Illinois Food, Drug and Cosmetic Act'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Burditt."

George M. Burditt: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1781 creates the Illinois Poison Prevention Packaging Act, the purpose is to set up in Illinois standards by which packaging can be controlled to the extent that young children particularly can be protected. Now, the bill authorizes the Director of Public Health to establish standards for the special packaging of any household substances if he finds that there's a danger to children and that special packaging is technically feasible and in establishing the standards, of course, he has to consider the reasonableness of the standard and available scientific and medical engineering data and so on. The bill is based on and in many ways is identical to the federal poisoning prevention packaging act passed in 1970, so this bill is consistent with bringing Illinois up to date and keeping it up to date in this whole field of consumer protection. House Bill 1668 and -69 simply amend the Hazardous Substances Act and the Food and Drug Act to incorporate references to the poison prevention packaging act and Mr. Speaker, I'd support and ask for your support of the bill. To my knowledge, there is no opposition to any one of the



three bills."

Hon. W. Robert Blair: "Discussion? The question is shall these three bills pass? All those in favor will vote 'Yeas' and the opposed 'No' and the Clerk will take three roll calls. Have all voted who wished? The ah Clerk will take the record. Harold Washington, 'Yeas'. On this question, there are 145 'Yeas' and no 'Nays' and each of these bills having received the constitutional majority is hereby declared passed. 3686."

Fredric B. Selcke: "House Bill 3686. A bill for an act to make an appropriation to the Secretary of State. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Regner."

David J. Regner: "Mr. Speaker and Ladies and Gentlemen of the House, this bill appropriates \$56,954.68 to the Secretary of State for payment of expenses incurred with the issuance of bonds under the Anti-Pollution Bond Act which passed last year and I'd ask for a favorable vote on this bill an effective immediately, therefore it does take 107 votes."

Hon. W. Robert Blair: "All right, is there further discussion? The gentleman from Lake, Mr. Matijevich."

John S. Matijevich: "Ah, will the gentleman yield for one question? Dave, I've been to a lot of committees in my time here and I've seen many attorneys working for and on behalf of the State of Illinois. Now, could you answer me I recall when we implemented the State Income Tax, the



taxpayers had to pay tax money for outside attorneys to implement the state income tax. And here again evidently we are paying outside attorneys. Now, my question is are all these men who I see parading around as attorneys for the State of Illinois can't we utilize them for some of these purposes and save the taxpayers money?"

David J. Regner: "Representative Matijevich, apparently the decision was that Chapman and Cutler who did do the bulk of this work did have experience in this field and by them handling it there would be no problems with it."

John S. Matijevich: "Evidently they have a monopoly from what I can see to it."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Shea."

Gerald W. Shea: "Mr. Speaker, will the sponsor yield to a question?"

Hon. W. Robert Blair: "He indicates that he will."

Gerald W. Shea: "Mr. Regner, could you tell me the name of the attorney? The reason I question it and I'd very much like to know at the time I worked with members of the Governor's Office and people on your side of the aisle, the attorney they had representing them was one Wayne Whalen, a former Con-Con delegate who was then on the state payroll and I would like to find out about it specifically about Mr. Wayne Whalen and if he is to receive any funds out of this and the question and the reason I raise it is that Mr. Whalen was just appointed by the Governor to the Judic-



ial Inquiry Board as supposedly a non-partisan, having no party affiliation and now I find out that he's cropping up on the Governor's payroll or the law firm that he represents and I very much like to find out about that."

David J. Regner: "Well, Representative Shea, I don't know who the specific lawyers were that worked on these, I just know that it was the firm of Chapman and Cutler."

Gerald W. Shea: "Well, I can get that information for you, if you could hold this long enough to find out if either Mr. Wayne Whalen or the law firm of Myer, Friedlicks, Freeze was paid out of this fund and if so how much?"

David J. Regner: "Certainly."

Hon. W. Robert Blair: "Did you wish to take it out of the record, Representative Regner?"

David J. Regner: "Take it out of the record."

Hon. W. Robert Blair: "Take it out of the record. House Bill 3066."

Fredric B. Selcke: "House Bill 3066. A bill for an act to vacate, extinguish, abandon, and release easements for highway purposes held by the State of Illinois and over and through certain lands located in Woodford County, Illinois. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from McLean, Representative Hall."

Harber H. Hall: "Mr. Speaker and Ladies and Gentlemen of the House, this bill is an easement for Woodford County. The bill is sponsored by the three House members in our district."



Ah, it contains the provision for payment of \$50.00 for the easement. I know of no objection to it and I ask for your support."

Hon. W. Robert Blair: "Is there any discussion? If not, the question is shall House Bill 3066 pass? All those in favor will signify by voting 'Yeas', the opposed by voting 'No'. Have all voted who wished? Take the record. On this question, the 'Yeas' are 146, the 'Nays' are 0 and this bill having received the constitutional majority is hereby declared passed. House Bill 1849."

Fredric B. Selcke: "House Bill 1849. A bill for an act to add Section 3.1 to the 'Cigarette Use Tax Act'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from McHenry, Representative Lindberg."

George W. Lindberg: "Ah, Mr. Speaker, I wonder if I might have leave to consider 1849 and 1850 together, as they are companion bills?"

Hon. W. Robert Blair: "Are there any objections? Hearing none, will the Clerk please read 1850."

Fredric B. Selcke: "House Bill 1850. A bill for an act to amend Section 5 of the 'Cigarette Tax Act'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from McHenry, Representative Lindberg."

George W. Lindberg: "Yes, Mr. Speaker, the purpose of the House Bills 1849 and 1850 are to reserve to the state the



exclusive right to use stamps on cigarettes as evidence of payment of tax. It in no way impairs the constitutional right of municipalities and political sub-divisions to impose tax locally on cigarette products. What it does reserve to the state the use of the stamp device as the (in<sup>2</sup>ditia) of the payment of that tax and I would urge the support of the House on these two bills."

Hon. W. Robert Blair: "Is there any discussion? The question is shall House Bills 1849 and -50 pass? All those in favor will signify by voting 'Yeas', the opposed by voting 'No', the Clerk will take two roll calls. Have all voted who wished? The Clerk will take the record. Barry, 'Yeas'. On these questions the 'Yeas' are 138, the 'Nays' are 1 and these bills having received the constitutional majority are hereby declared passed. House Bill 3588."

Fredric B. Selcke: "House Bill 3588. A bill for an act to amend Section 2 of the 'Illinois Insurance Code'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Terzich."

Robert M. Terzich: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3588 amends the 'Insurance Code' to include in there the definition of a hospital to include qualified mental hospitals licensed by the State of Illinois. Due to the many interpretations of the term 'hospital' that many insurance companies do deny claims today for people who are in a qualified mental hospital, is because they



don't have major surgical facilities and this simply will state that when they do write an insurance policy they will include a mental hospital licensed by the State of Illinois. This was approved by the Insurance Committee by a vote of 13 to 0 and also was written in conjunction with the Life and Health Insurance Association and I solicit your support of this bill."

Hon. W. Robert Blair: "Is there any discussion? If not, the question is shall House Bill 3588 pass? All those in favor will signify by voting 'Yeas', the opposed by voting 'No'. Have all voted who wished? Take the record. On this question, the 'Yeas' are 127, Schoeberlein, 'Yeas', the 'Nays' are 0 and this bill having received the constitutional majority is hereby declared passed. Barry, 'Yeas'. House Bill 2485."

Fredric B. Selcke: "House Bill 2485. A bill for an act to amend Sections 7-12 and 8-9 of 'The Election Code'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Simmons."

Arthur E. Simmons: "Well, Mr. Speaker and Ladies and Gentlemen of the House, House Bill 2485 in its present form would simply mean that those running for the legislative offices, their names would be placed on the ballot, first the names of all incumbents. If there be one or more incumbents, they shall be listed in the order of the length of service to the House to which they seek nomination. If seniority





is the same, the position of each will be determined by lot determined by the State Electoral Board. After the incumbents, there shall be listed all the candidates who are not then serving in the House. This bill also has a clause to be effective upon becoming law and will require 60% of the vote. I solicit your support."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Mann."

Robert E. Mann: "Well, Mr. Speaker and Members of the House, as I indicated yesterday, I have some personal knowledge of this issue because as a litigant the the case of Mann -vs- Powell, the three judge court in the Federal District Court of Northeastern Illinois specifically issued an injunction restraining the breaking of ties in a manner in which the then Secretary indicated that he would give preference to incumbents. Now, the Court said in that decision that there should be some non-discriminatory manner of selecting ballot placement and the court suggested by lot or some other manner. Now, I would suggest to you that this bill as presently drawn would explicitly favors incumbents is not a non-discriminatory manner of selecting placement and as I indicated yesterday, I think it discriminates against non-incumbents, I don't think it's sound public policy because it does not make available on an equal manner placement on the ballot and I think that this is not consistent with our philosophy of encouraging citizens to run for the legislature and I would also say to you that as an incumbent, I



don't think we need this particular advantage. Now, there seems to be some disagreement about whether or not ballot placement is an advantage. I would submit to you that ballot placement is an advantage, but some people do not seem to feel that it is. But in any event I think what passage of this bill will do is stimulate another law suit in which the ruling of the in the case I cited, Mann -vs- Powell and Weisberg -vs- Powell will be reiterated, it will throw the entire question of ballot placement up in to the air, cause extreme confusion with regard to the upcoming election and I don't think it's a wise thing for us to do and for that reason and because I do not think that the present law will cause any of us to suffer, and I mean that sincerely, I would urge a 'No' vote."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. J. Carter."

James Y. Carter: "Ah, will the gentleman yield to a question?"

Hon. W. Robert Blair: "He indicates that he will, yes."

James Y. Carter: "Art, what would be the practical effect of this bill if passed in the case of reapportionment and one Representative had to move into a new district where there possibly might be another incumbent?"

Arthur E. Simmons: "It wouldn't have any effect except that it would still cover the incumbent if he is presently an incumbent."

James Y. Carter: "In other words, you're telling me that the present incumbent, even if placed in a new district would be on the seniority basis, is that correct?"



Arthur E. Simmons: "That's correct."

Hon. W. Robert Blair: "Does the gentleman wish to close the debate?"

Arthur E. Simmons: "Well, just briefly, Mr. Speaker, I believe that the law suit that my colleague referred to, Mann -vs- Powell, was predicated on the assumption that Mr. Powell used discretionary power to make that selection. This is not a discretionary power, it will be in the statute and I believe that if it is challenging, it will be sustained by the Court, and therefore I recommend to you incumbents that it would be well to vote for it."

Hon. W. Robert Blair: "The question is shall House Bill 2485 pass? All those in favor will signify by voting 'Yeas', the opposed by voting 'No'. The gentleman indicates that he has an emergency clause and this will take a 60% vote. Have all voted who wished? Take the record. Oh, I'm sorry, the gentleman from Cook, Representative Mann, desires to explain his vote."

Robert E. Mann: "Ah, Mr. Speaker, I know I'm not going to change the board and I'm not going to try, but I do want to answer the gentleman's last statement about what the law is presently and I would submit that the law is presently that any other means other than a lot or a discriminatory means which would exclude placing any particular group first on the ballot by virtue of its incumbency status would be illegal and therefore would be struck down."

Hon. W. Robert Blair: "On this question, the 'Yeas' are 136,



the 'Nays' are 14 and this bill having received the constitutional majority is hereby declared passed, with the constitutional three-fifths majority. House Bill 3653."

Fredric B. Selcke: "House Bill 3653. A bill for an act to amend 'The Election Code'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Boone, Representative Cunningham."

Lester Cunningham: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3653 is a by-partisan bill and it is very unique in the County of McHenry where there are so many precincts and only one county station, so we've run out of parking space, this is the gist of this bill. You'll notice that it is co-sponsored by Representative Hanahan and the two party county Chairman got together and thought that this would be the best way to take care of their problem, and I ask for your favorable vote."

Hon. W. Robert Blair: "The gentleman from Winnebago, Representative Giorgi."

E. J. Giorgi: "Mr. Speaker, inasmuch as their district now comes into Winnebago, I'd like to ask the sponsor of the bill a question."

Hon. W. Robert Blair: "He indicates he'll yield."

E. J. Giorgi: "Who picks the two people from each political party."

Lester Cunningham: "The two county chairmen."

E. J. Giorgi: "Good enough."

Hon. W. Robert Blair: "Is there further discussion? Does the



gentleman wish to close the debate? If not, the question is shall House Bill 3653 pass? All those in favor will signify by voting 'Yeas', the opposed by voting 'No'. Have all voted who wished? Take the record. Schneider, 'Yeas'. Caldwell, 'Yeas'. On this question, the 'Yeas' are 131, the 'Nays' are 0 and this bill having received the constitutional majority is hereby declared passed. House Bill 2453."

Fredric B. Selcke: "House Bill 2453. An act to authorize any townships to enter into a contracts and to adopt rules and regulations and provide penalty for the violation thereof in relation to the collection of and disposal of garbage, refuse and ashes. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Glass."

Bradley M. Glass: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2453 is permissive legislation. It will authorize the unincorporated areas of townships when the electors by referendum vote in favor of the proposition to establish a refuse collection system and enter into contract to provide that service. Now, the referendum provisions for the referendum are contained in the amendment to the bill and the maximum rate that can be levied for the service is set forth in Section 4, 15¢ per hundred dollars of assessed evaluation. I think it's an important service, at least in Cook County they indicated an interest in having and being able to provide if their citizens want it and I urge your support."



Hon. W. Robert Blair: "The gentleman from Cook, Representative Rayson."

Leland H. Rayson: "Mr. Speaker, would the gentleman yield to a question?"

Hon. W. Robert Blair: "He indicates that he will."

Leland H. Rayson: "Sir, if if you have this permissive legislation put into being and a district was created, in an unincorporated area in a large megalopolis area, quite often the unincorporated area sooner or later would be gobbled by a municipality and the municipality could be could well have a garbage tax or some other kind of garbage entity. What would be the chance of getting out of a district once you are in?"

Bradley M. Glass: "Well, in response to that question, I want to make it clear that the 15¢ rate applies only to the unincorporated area. In other words, it is not a tax on the entire county. . ."

Leland H. Rayson: "Well, I understand that, but if you were annexed to the municipality, some five years later and they had a garbage statute, and you had this garbage tax in this district and maybe you've got a county that has a garbage tax, where are you with the proliferation of taxes, much less the proliferation of garbage?"

Bradley M. Glass: "Well, you're no you're no longer in the ah unincorporated area, obviously, if you annex to the municipality, so this service and this tax would no longer affect you."



Leland H. Rayson: "You mean once you go into another area, another municipality, you're no longer in this city for taxation purposes?"

Bradley M. Glass: "Well, this ah Representative Rayson, would be a fact and a service only for the unincorporated areas, the municipalities, the corporated areas of the township already have provisions for providing the service, the unincorporated areas do not, therefore if you're in an unincorporated area, but you are annexed to a municipality, then you would not be in the district that is taxed and it would no longer apply. You'll notice in Section 4 for purposes of the bill, the act, the township Board of Auditors shall declare the unincorporated area of the township a special refuse collection and disposal district for tax purposes."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Jaffe."

Aaron Jaffe: "Will the gentleman yield for a question?"

Hon. W. Robert Blair: "He indicates that he will."

Aaron Jaffe: "Brad, there is also on consideration postponed House Bill 2452. Now, wouldn't you have to have 2452 in order to implement this particular bill?"

Bradley M. Glass: "Well, . . ."

Aaron Jaffe: "Companion bill, is it not?"

Bradley M. Glass: "Well, just one moment. 2452 is the bill relating to ah the ah regulation of door to door solicitors."

Aaron Jaffe: "Well, as I read the index, it says that it en-



dorses the enforcement of township collection and disposal act. Is the index wrong?"

Bradley M. Glass: "Mr. Speaker, let me if I may take this bill out of the record momentarily, I'd like to check that point. I don't believe they're companion bills, but I would I think Representative Jaffe's point should be checked out before we proceed further."

Hon. W. Robert Blair: "Take it out of the record. House Bill 3077."

Fredric B. Selcke: "House Bill 3077. A bill for an act to amend 'The Criminal Code'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from DuPage, Representative Schneider."

J. Glenn Schneider: "Thank you, Mr. Speaker. House Bill 3077 is a bill which implements the Illinois constitution and provides for an offender the opportunity to pay for his fine on installments. Article I, Section 14 in the new constitution indicates that this shall be responsibility and that the court shall have and this bill will implement it by statutes and will secure to the citizens of the state that opportunity and that right. I solicit your support on that bill. The bill, by the way, passed out of the Constitutional Implementation Committee 15 to 1."

Hon. W. Robert Blair: "Is there any discussion? All right, the question is shall House Bill 3077 pass? All those in favor will signify by voting 'Yeas', the opposed by voting 'No'. Have all voted who wished? The Clerk will take the





record. On this question, the 'Yeas' are 106, the 'Nays' are 7 and this bill having received the constitutional majority is hereby declared passed. For what purpose does record Representative Davis as voting 'Yeas'. House Bill McDevitt, 'Yeas'. House Bill 3039."

Fredric B. Selcke: "House Bill 3039. A bill for an act to amend Sections 1-101 and so forth and the captions of Part I, Article II, Article VII and Article VII of and the title of and to add Section 1-210 and Section 9-108 of an act in relation to Tort Immunity and so forth. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Morgan, Representative Rose."

Thomas C. Rose: "Mr. Speaker, Ladies and Gentlemen of the House, this provides that effective January 1, 1972, suits against the State of Illinois will be filed under the Tort Immunity Act so that an injured party under the new constitution who would be injured by an agency of the State would file a suit at the Circuit Court instead of going through the court of claims. Now, those of us who support this position feel that equitably the fact that the injured party was injured by a city or a county rather than the State should not effect the right to recover complete compensation. I urge your support of this bill."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Fleck."

Charles J. Fleck: "Would the sponsor yield for a few questions?"



Hon. W. Robert Blair: "He indicates that he will."

Charles J. Fleck: "Representative Rose, do you have any idea what the back log of cases in the Court of Claims is presently? In time?"

Thomas C. Rose: "Ah, Representative Fleck, I have that, I don't know that I can pull it out for you quickly here. Do you want to take another one and let me see if I can find it?"

Charles J. Fleck: "Well, I'll just speak to the bill, then. Mr. Speaker and Ladies and Gentlemen of the House, in concept this is a very fine thing. However, I happen to come from Cook County and our back log however in the Circuit Court is between five and seven years and to be filing law suits against the State of Illinois as a party defendant, in a situation like that, I think not only does violence (just) the sense of justice, but it also militates against the recovery that a Plaintiff might receive. It's a very good idea, but it's a very unworkable idea in view of the congestion in a lot of Circuit Courts, not only in Chicago but in some other municipal areas. The Court of Claims has proved to be a fine instrument for recovering claims against the State. I'm sure everyone is concerned about the limitations of recovery, but that's another matter. My concern is that a person who files suit should receive recovery if it's justifiably possible within a reasonable amount of time and this is impossible, the situation we have in the County of Cook and some other areas of the State. And re-



cent legislation has been directed for fast recoveries. For example, we passed the 'No Fault Insurance Bill' which I thought had a lot of bad features, but the whole purpose of that was so that individuals could get quick recovery. This bill will not get quick recovery to anyone and it will not aid the furtherance of justice as far as recovery unclaimed against the State and I urge every member to vote against this bill."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Shea."

Gerald W. Shea: "Would the sponsor yield for a question?"

Hon. W. Robert Blair: "He indicates that he will."

Gerald W. Shea: "Representative Rose, this is a technical question and then I would like to get a ruling from the Chair and the parliamentarian. As I read the new constitution, Article IV, Section 8 when we get down to Section (d) it says that appropriation bills shall be limited to the subject of the appropriation and I'm wondering if we can pass both a piece of substance law and then attach an appropriation bill onto it where if we need two separate bills and I'd like at least your interpretation and then I'd like to have the Chair to make a ruling with regard to Section, Article IV, Section 8 of the Constitution so we may have some direction of how we will treat these bills in the the future."

Thomas C. Rose: "My first reaction, Representative Shea, is that that prohibition would not endanger this bill for the



reason that I there is precedent for doing this. I believe as a matter of fact that prior bills making appropriations for the Court of Claims carried with it not only the substance often times of of amendments to the Court of Claims bill, but also the appropriation making provisions for the payment of claims."

Hon. W. Robert Blair: "Representative Shea, is your question answered?"

Gerald W. Shea: "I'm sorry, I was interrupted."

Hon. W. Robert Blair: "Could you give your explanation again Representative Rose?"

Thomas C. Rose: "I'll ah. . ."

Gerald W. Shea: "I'm sorry, Tom."

Thomas C. Rose: "I don't know if I can repeat my eloquence Representative Shea, I believe that there is precedence to this. I can't specifically recall, I do recall in Appropriations Committee, bills that have made subsequent amendments to for example the Court of Claims Act or the Tort Immunity Act, at the same time carried with it an implementing appropriation. Ah, what I'm saying is that the sponsor of the bill, I appreciate your interest, but it doesn't concern me as to affecting the validity of the bill."

Gerald W. Shea: "Well, the ah I understand that and I think there'll be a lot or talk about the bill, but before we get to the point where we can vote on it, I'd like a ruling from the Chair if a bill with substance may also include an appropriation?"



Hon. W. Robert Blair: "Representative Rose, the Clerk doesn't have the complete bill. If we can take this out of the record for a few moments, we'll look it over. Let's take it out of the record. House Bill 3646."

Fredric B. Selcke: "House Bill 3646. A bill for an act making certain additional appropriations to the Board of Regents. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Rock Island, Representative Henss."

Donald A. Henss: "Mr. Speaker and Ladies and Gentlemen of the House, this bill appropriates to the Board of Regents the sum of \$1,383,867.00. The money comes from the University Income Funds, not from General Revenue. There are no tax funds involved. The three universities, as you probably know, under the Board of Regents, are Northern, Illinois State and Sangamon State and of this amount \$205,000.00 will go directly to the students for loan and employment in university jobs and with this appropriation we can get an additional \$450,000.00 in federal matching funds so that students will get a total of \$655,000.00 directly. The balance of the money will go for the benefit of students and staff, books, equipment, instructional material and things of that nature. I would solicit your support, the bill does need 107 votes."

Hon. W. Robert Blair: "Is there any discussion? The gentleman from Cook, Representative Lechowicz."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker, Ladies and



Gentlemen of the House, this bill is a supplemental appropriation for the authorization to spend funds from a tuition increase. The Board of Regents was the only governing body in the higher educational system which passed this tuition increase for their students which gave their faculty a 4.6% pay increase. They did this at a time when the budgetary situation at the school was unclear. They further ignored the possibility of a crisis within the Illinois Scholarship Commission. As you will recall, I am sure, we had an amendment on this bill passed in the Appropriations' Committee, subsequently rescinded on the floor having this money revert back to the students since it was the will of the House at that time to have this money go back into the Educational System, I have no further comment to make on this bill except that in my opinion the Board of Regents did a complete injustice to the students at these three universities, but in turn, I think we should pass this appropriation."

Hon. W. Robert Blair: "Is there further discussion? If not, the question is shall House Bill 3646 pass with the emergency clause? All those in favor will signify by voting 'Yeas', the opposed by voting 'No' and this will require 107 votes. Have all voted who wished? Take the record. On this question, the 'Yeas' are 154, the 'Nays' are 0 and this bill having received the constitutional 60% majority is hereby declared passed with the emergency clause. Jaffe, 'Yeas'. One of the pages brought up a cuff link, it looks like ah



it's gold with a black background and two jokers on it, if you want it it's up here. House Bill 3707. House Bill 3736. House Bill 3702."

Fredric B. Selcke: "House Bill 3702. A bill for an act making an appropriation to Nora Carter. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Otis Collins."

Otis G. Collins: "Mr. Speaker and Ladies and Gentlemen of the House, this bill is an appropriation for one Nora Carter a World War II resident who did not file his claim prior to the date prior to the deadline. The claimant was the claim was cleared by the State Veterans' Commission, this is an emergency bill and I would solicit your support."

Hon. W. Robert Blair: "Is there any discussion? The question is shall House Bill 3702 pass? All those in favor will signify by voting 'Yeas', the opposed by voting 'No'. Have all voted who wished? Take the record. On this question, the 'Yeas' are 140, the 'Nays' are 0 and this bill having received the constitutional majority is hereby declared passed. All right, we'll go back to 3039 now. And ah on the question raised by the gentleman from Cook, Mr. Shea, the Chair is going to rule that insofar as this bill is concerned, that the appropriation is confined to the subject of the bill and for that reason the bill would comply with the constitution. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, your ruling then is that if an



appropriation and a substantive change of law are in the same bill, and if they both deal with the same subject matter, in other words, if the substantive change and the appropriation are tied in together because of the subject matter, it is all right to have them in the same bill, but you could not have in a substantive change of law an appropriation to an unrelated subject, is that correct?"

Hon. W. Robert Blair: "Ah, uh, yes, with regard to the question is with regard to this particular bill, but the best example I could give you as far as what the ruling means is that if there were another section in this bill that appropriated \$500,000.00 to to the operation of the General Assembly that clearly would not ah be an appropriation for the subject of the bill, the bill is an entirely different subject and I think that the constitution would preclude that, but I'm going to rule that this is an appropriation for the purposes of the subject of the bill and for that reason would be in order."

Gerald W. Shea: "All right, thank you."

Hon. W. Robert Blair: "All right, the gentleman from Morgan, Mr. Rose."

Thomas C. Rose: "Mr. . . ."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. McDevitt, rise?"

Bernard McDevitt: "A question of the sponsor, Mr. Speaker, please."

Hon. W. Robert Blair: "Oh, all right, he indicates he'll





yield."

Bernard McDevitt: "Representative Rose, isn't it a fact that the Senate has passed House Bill 2047 on October 18, providing for the continuation of the Court of Claims?"

Thomas C. Rose: "That is correct."

Bernard McDevitt: "I wish to speak, I wish to be heard against the bill, Mr. Speaker, please. Ah, in connection with the present bill, 3039, the effect of this, of course, would be to disturb a practice which the state has long enjoyed of having a Court of Claims with a limited jurisdiction as to the amount of claims to be filed against the state. Now, I'd just like to have you consider the effect of having the Court of Claims abolished and that is what this bill will do. What it will mean is that probably the Attorney General of the State would have to have a representative in every county of the state to answer cases brought against the state. In addition to that, it means that the state's liability to claims would be unlimited. Now, as it is now there is no reason why the legislature in its judgment its wisdom sees fit, the amount of a claim that might be filed against the state in a Court of Claims, can be fixed at any sum that the legislature wishes to place it. And so, I speak in opposition to this bill and I'd ask you to defeat it."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Berman."

Arthur L. Berman: "Well, thank you, Mr. Speaker. I also rise in opposition to this bill and I would point out that under



Section 9-108, the Attorney General and the Governor are given what I feel is unprecedented powers without limitation without restriction, that they can enter into any settlement or compromise of any claim that is brought against the state and voucher the same for payment. I think that without some limitations, restrictions or checks on this power, I think it's too broad a delegation of what's always been our power to appropriate state funds. For this reason alone and for the reasons cited by Representative McDevitt, I'd urge a 'NO' vote."

Hon. W. Robert Blair: "Further discussion? The gentleman from Morgan, Mr. Rose, to close."

Thomas C. Rose: "Thank you, Mr. Speaker. Just briefly in response to some of the questions which have arisen, ah in opposition to this bill, first of all with regard to a statement by Representative McDevitt, the Attorney General's Office would probably have to appoint a special representative in each county. To defend, I'd simply like to point out that the A.G. Office has an Assistant Attorneys General in each county in Illinois and very likely could handle it in addition to their existing work load. Representative Fleck alludes to the back log which is occurring in Circuit Courts in Cook County. I certainly can not disagree with that. The fact remains that we who supports this bill, and I hope there is more than one, feel as a matter of policy, that under the new constitution, we should in all equity and fairness given an injured party the oppor-



tunity to recover compensatory damage to the full extent of his injury. That it should not make any difference if he is injured by a municipality, a school district, or a county, in which case he could recover full compensatory damage under the Tort Immunity Act. It should not make any difference whether he's injured by one of those entities or by the State of Illinois, so again ah I urge your strong support and finally in conclusion, I'd like to point out which I think is not been brought to the attention of the House before that the Court of Claims does not provide to the litigant any appeal, the Court of Claims determination is final. That appears to be another example of inequity. Also the Court of Claims limits, of course, compensatory damages to \$25,000.00 regardless of the amount of actual injury. I urge a 'Yes' vote."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. Duff, rise?"

Brian B. Duff: "Mr. Speaker, to speak to the bill."

Hon. W. Robert Blair: "No, the gentleman just closed."

Brian B. Duff: "I'm sorry."

Hon. W. Robert Blair: "All right, you can explain your vote. Ah, the question is shall House Bill 3039 pass? All those in favor will vote 'Yeas' and the opposed 'No'. The gentleman from Cook, Mr. Duff."

Brian B. Duff: "Ah, Mr. Speaker and Members of the House, in explaining my vote, I was simply going to say that in my personal opinion this bill clearly attacks and eliminates



the historical sovereign immunity of the State and would subject the state to the enormous attacks and assaults from lawyers should be trying to raise their client's claims to the largest amounts possible against the State and I vote 'No'."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there are 46 'Yeas' and 44 'Nays' and the bill having failed to receive the vote required is hereby declared lost. Do you desire 3040? Take it out of the record. 3071."

Fredric B. Selcke: "House Bill 3071. A bill for an act to amend Sections of the 'Juvenile Court Act'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Rayson."

Leland H. Rayson: "Mr. Speaker, Members of this House, House Bill 3071 amends 'The Juvenile Court Act', and gives to the Juvenile Court Judge the right to have a hearing to determine whether a minor over the age of 13 should be tried as a felon or as a juvenile. The law sets forth that the State's Attorney has this right to decide how a juvenile should be tried and in many cases a juvenile has been tried in juvenile courts and in Cook County alone, they send some 85 juveniles a year through the criminal court and that this kind of conviction would not only throw this young fellow in jail with adults, but the person involved would lose the confidence and judiciality accorded juvenile offenders by the law. He can also be subject to harsh



punishment and penalties and worst of all the youngster gains a public arrest record which can dog his feet for life even if he is acquitted. This bill has the support of the Department of Corrections and the State's Attorney of Cook County says that he complies with the law now with reference with these manners because he's guided by the United States Supreme Court decisions. This bill corrects the vaguery now in the law in the Juvenile Court Act. I commend it to this House and urge a favorable vote."

Hon. W. Robert Blair: "Is there discussion? The question is shall House Bill 3071 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are Carter, 'Yeas', ah, James Y. Carter, 'Yeas', Taylor, 'Yeas', Hart, 'Yeas', McDevitt, 'Yeas', Alsup, 'Yeas', Leon, 'Present', Collins, 'Yeas'. On this question, there are 109 'Yeas', 8 'Nays', 1 'Present' and this bill having received the constitutional majority is hereby declared passed. 2453."

Jack O'Brien: "House Bill 2453. A bill for an act authorizing any township to enter into contracts and to adopt rules and regulations and to provide penalties for the violation thereof in relation to the collection and disposal of garbage, refuse and ashes. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Glass."

Bradley M. Glass: "Thank you, Mr. Speaker, Ladies and Gentlemen. You will recall that this bill was discussed a few



minutes ago and I now checked out the point called to my attention by Representative Jaffe, namely that whether House Bill 2452 is a companion bill. At the present time in House Bill 2452 which deals with regulation of solicitors there is a section which would give authority to the township to exercise the powers conferred by the Township Refuse and Collection Disposal Act. Of course, the Township Refuse and Collection Disposal Act is the act which I'm asking you to approve, and I believe the language in 2452 would be necessary for 2453. I therefore represent to the House that I will if this bill is passed, as an amendment in the Senate, add that language so that there will be authority to exercise the refuse collection powers, and once again I urge your support for the bill and it will simply permit persons in the unincorporated area of the township if they vote to do so by referendum to provide the service of refuse collection and disposal."

Hon. W. Robert Blair: "The gentleman from Vermilion, Mr. Craig."

Robert Craig: "I would like to ask the gentleman a question."

Hon. W. Robert Blair: "He indicates he'll yield."

Robert Craig: "Now, you take in one particular one of these townships which has had a rather town or a subdivision that was growing rather fast, they could call a meeting of the town electors or town board and vote a tax upon that township for the gathering of this garbage, is that right?"

Bradley M. Glass: "No, Representative, this could only be done



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by virtue of the amendment when the electors of the unincorporated area approve such action by referendum. In other words, it must first be submitted to referendum. This is what the amendment covers. Before the powers can be exercised by the town for the electors must first approve it and vote for it."

Robert Craig: "But it still would be a majority vote of those voting in the township, right?"

Bradley M. Glass: "It's be a majority of those voting in the unincorporated area of the township. Those who are in municipalities would not be entitled to vote at that referendum."

Robert Craig: "Well, what about an area that was a subdivision that was unincorporated. Now, they would be allowed to vote, right?"

Bradley M. Glass: "That's right, if they were unincorporated so that they would be effected by this tax, they would be entitled to vote on whether the service should be provided, and whether the tax should be levied."

Robert Craig: "Well, Mr. Speaker and Members of the House, I feel that this is something that's going to take advantage of a person living in a rural area, paying real estate taxes that he will be brought in under this bill to pay a real estate tax for the collection of his garbage and disposal and I feel like that may be to an advantage if we have over the other people in getting rid of our garbage in another manner, but I don't think it's right to tax the real estate



man who owns a farm land to get rid of a muni- of his garbage in a subdivision. I don't think that he should be included in this area. These people want to tax themselves for this, that's another story, but I personally oppose to be taxed to help get rid of the garbage in a subdivision, an unincorporated subdivision. Now, I oppose this bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Jaffe."

Aaron Jaffe: "Mr. Speaker, Ladies and Gentlemen of the House, I think that when we talk about township government and we talk about garbage, we're talking about compatible subjects. It seems to me that this is once again an attempt to breed life into that our former government, township government and it seems we have no money for schools, we have no money for welfare, but we have all sorts of schemes and plots for that would hit the homeowner and pump life into needless patronage army that would be built in township governments. I think that this bill follows the line of all the other township bills, it does nothing but try to keep alive a form of government which could be dead and I urge your 'No' vote."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Juckett."

Robert S. Juckett: "Mr. Speaker and Ladies and Gentlemen of the House, I'm always happy to hear the bits of wisdom from my colleague on township government. It's unfortunate he doesn't control any township government, so he's always against it. If he had read the bill, he would have realized that there is absolutely no patronage involved, he





would have realized that it's for an essential service, I guess no garbage comes out of the homes in Niles Township. But it's to collect and remove an item which has to be collected and removed and normally people ban together in the purpose of government when they find they can do a better job or the better job can be done on a singular basis. As a consequence, this bill, and all it does is allow the recognized form of government for these people who live in unincorporated areas, it recognizes that this government is available to do the job, that is the removal of garbage. It doesn't do it without referendum as so many of the bills that some of my colleagues want to do without referendum. First it has to be done by a vote of the electors, now what is wrong with letting the electors decide for themselves? And after the electors have decided, then they put to all of the electors, even those who didn't take the time to come to an annual meeting. But after the electors have passed on it at an annual meeting, after the unincorporated residents have passed the referendum, then the great patronage army which is so spoken about today, the private contractors, of course, maybe we want to get rid of all the private contractors, get rid of everybody, but anyway then the private contractors can bid and we can have open bidding and we can take care of it in a very ethical manner and then the people that wanted their garbage taken away will have the trucks driving down the street, picking up the garbage and everybody will be happy. Now, isn't that a



simple way to do it or maybe maybe we shouldn't let the township government do it at all, maybe we should let the Department of Illinois do it or the federal government.

But I think it's a good bill, the right of the people to speak on it, the right of the people to elect it and the right of the people to select it, so I urge a 'Yes' vote."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Yourell."

Harry Yourell: "Would the gentleman yield for a question?"

Hon. W. Robert Blair: "He indicates he will."

Harry Yourell: "Representative Glass, ah perhaps I have the wrong idea about this and perhaps you can enlighten me, but is it not true that when the when the township ah sets the levy for township services, that levy includes all of the municipalities and incorporated areas as well as those areas that would presently be unincorporated."

Bradley M. Glass: "Ah, as a general proposition, I believe you're correct, Representative Yourell. This bill, of course, covers that point in Section 4 by by specifying that this particular service and this particular tax would only be on residents of the unincorporated area."

Harry Yourell: "In other words, the spread of the levy, the people who are presently living in the corporated areas would not be liable for this new tax, is that correct?"

Bradley M. Glass: "That is correct."

Harry Yourell: "All right, I'm all for this."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. Jaffe, rise?"



Aaron Jaffe: "Ah, on a point of personal privilege, my name was used in debate."

Hon. W. Robert Blair: "No it was not. I never heard your name mentioned by the gentleman. The gentleman from ah Cook, Mr. Bluthardt."

Edward E. Bluthardt: "Well, Mr. Speaker and Members of the House, there's nothing unique for providing for the levy of a special tax or a special purpose. We've done it before, we've done it for the unincorporated areas of townships, for fleet protection a few years back, we allowed a ten cent levy for fleet protection to be levied to property owners of the unincorporated property areas, it's been effective, it's done without a referendum, in this case at least the people have a choice, they have an opportunity to vote upon an additional tax and I think it's good legislation, I think the problem does exist and the people in the unincorporate areas need this legislation. We should vote for it."

Hon. W. Robert Blair: "The gentleman from St. Clair, Mr. Krause."

James G. Krause: "Well, Mr. Speaker and Ladies and Gentlemen of this House, I rise in support of this legislation. Representative Glass has worked very closely with me on this and I think we've worked out all of the objections to the legislation and I would hope that it would pass."

Hon. W. Robert Blair: "The gentleman from Macon, Mr. Borchers."  
Webber Borchers: "Mr. Speaker and Fellow members of the House,



I am sick of all this garbage and I move the previous question."

Hon. W. Robert Blair: "Well, yeah, it's been the practice that we don't make comment and then move for the previous question, because you're precluding somebody else after you have had your say by putting that motion, so the Chair is not going to recognize it. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Will the sponsor yield for a question? Ah, Representative Glass, under our new constitution, Article VII, entitled Local Government, there is Section 10 which talks about intergovernmental cooperation and the methods of handling it and as I understand what you're trying to do you're trying to say that a township or a municipality such as mine where I have the Village of Riverside located within Riverside township and portions of the township outside the village, you want to use the units or villages method of collecting this garbage and have the township reimburse them for it and then go ahead and have the residents pay for this service?"

Bradley M. Glass: "Ah, Representative Shea, when I discussed this bill with you sometime ago, I think that was we had a discussion along those lines, but ah I reexamined this bill and I didn't get a chance to talk to you after that, but that is not exactly what the bill provides. Actually, ah the bill merely gives the town board the authority to enter into a contract to provide the refuse collection



service with anyone and it provides for the payment of that service by the residents of the unincorporated area through the levying of a tax, so in answering your question, that is not exactly what's involved and I do not feel that the new constitution for the intergovernmental protection section would cover what the bill tries to accomplish."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Well, when we look at Article VI, of the new constitution, it talks about units of government setting up special tax districts for special services and if we read that and Article VII together, what is the home rule unit, do you remember off hand? Local government?"

Bradley M. Glass: "Seven, Section 6."

Gerald W. Shea: "Ah, the last part is seven (i) or in there."

Bradley M. Glass: "I think that's home rule."

Gerald W. Shea: "Well, that's just generally what local government can do, isn't it?"

Bradley M. Glass: "Well, if I'm looking at the right section, Section 7 (i) has to do with home rule units."

Gerald W. Shea: "In other words, you're construing that just to be as home rule units?"

Bradley M. Glass: "Yes."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Simmons."

Arthur E. Simmons: "Mr. Speaker, I move the previous question."

Hon. W. Robert Blair: "All those in favor say 'Yeas', the opposed 'No', the 'Yeas' have it and the previous question has been moved. The gentleman from Cook, Mr. Glass, to



close."

Bradley M. Glass: "Thank you, Mr. Speaker, Ladies and Gentlemen. This bill has been debated extensively. I think it is a very good bill for the local residents of the township who desire to have a service that is of significance and important to them provided and if the people vote to provide this service, all we're asking is that they have the authority to do it and I urge your favorable vote."

Hon. W. Robert Blair: "The question is shall House Bill 2453 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. Ah, the gentleman from Cook, Mr. Sims."

Isaac R. Sims: "Yeas."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Sims, 'Yeas'. The gentleman from Fayette, Mr. Brummet, 'Yeas'. Harber Hall, 'Yeas'. Maragos, 'Present'. Yourell, 'Present'. Carroll, 'Present'. Hill, 'Yeas'. McMaster, 'Yeas'. Rose, 'Yeas'. Mann, 'Present'. Choate, 'Present'. Lechowicz, 'Present'. Leon, 'Present'. McLendon, 'Present'. Boyle, 'Present'. Katz, 'Present'. Shea, 'Present'. McPartlin, 'Present'. McDermott, 'Present'. Brandt, 'Present'. Shaw, 'Present'. Ah, the gentleman from McLean, or from Adams, Mr. McClain."

Elmo McClain: "Ah, Mr. Speaker, and Ladies and Gentlemen of the House, while the Clerk is tallying the vote, I'd like to introduce up in the balcony up here, Mr. Dave Dinkeller and the students from Liberty High School and they're from



Representative Rose and Representative Corbett's district. Dave had a really good government teacher. Would you stand please?"

Hon. W. Robert Blair: "On this question, there are 92 'Yeas', 15 'Nays', 18 'Nays' and 15 'Present' and this bill having received the constitutional majority is hereby declared passed. House Bill 2416."

Fredric B. Selcke: "House Bill 2416. A bill for an act to amend Sections of an act to create sanitary districts in certain localities. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Madison, Mr. Calvo."

Horace L. Calvo: "Mr. Speaker and Ladies and Gentlemen of the House, this bill will give Madison County the opportunity to have their own levy and sanitary district for the first time ever. The bill, as amended, was enacted in 1907 and applies only to that particular area of the state. I would appreciate your favorable vote."

Hon. W. Robert Blair: "The gentleman from St. Clair, Mr. Flinn."

Monroe L. Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, this bill effects the East Side Levy and Sanitary District. It is composed of the flat lands of parts of St. Clair and Madison Counties. It's been in existence for since 1911 or for some 60 years. The problem of having two counties in the district is caused by the fact that most of the water wells runs down through Madison County but it is all in pools in St. Clair County."



Now, in order to if you do split this district into two counties, you in effect are forcing St. Clair County to dispose of all the water, of all the silt, thank you, Mr. Speaker, you're forcing St. Clair County to dispose of all the water received from both counties and remove all the silt. But to have its tax base cut in half. Now, the St. Clair County residents would have to increase their property taxes, and I repeat increase their property taxes in order to get rid of the water and silt coming down from Madison County. This district has been in existence, as I mentioned before, for 60 years and I see no reason to change at this time."

Hon. W. Robert Blair: "The gentleman from St. Clair, Mr. Krause."

James G. Krause: "Well, Mr. Speaker and Ladies and Gentlemen of the House, first I rise in opposition to this piece of legislation. I think maybe that we should see how this bill came about and what some of the testimony is that was heard on this bill was. The bill was introduced at the request of the President of the Levy Board and some other people in Madison County. The President of the Levy Board testified in a sub-committee hearing and when I asked him what his main reason was why he wanted the district split, he said that he wasn't getting enough patronage in Madison County. Now, he's President of the Levy Board. Now, there was another lady that testified and I asked her when they had the last President in Madison County if the patronage was suf-





ficient and she said that under that President there was enough patronage. At that time the sponsor of the bill decided that she'd better not testify any longer. We then had an engineer testify that he thought it was a feasible thing to divide the district into two sections between St. Clair and Madison County. When I asked him if he knew of the report from the Army Corps of Engineers and what the report contained, he said, no, he was not even aware that the Army Corp of Engineers was undertaking a study, nor that a report had been made. I then asked him if his firm was being considered to be the consulting engineer for the new levy district that would be farmed in Madison County. His reply was well, of course, we don't turn down any job that is offered to us. Now, Mr. Speaker and Ladies and Gentlemen of this House, the Army Corps of Engineers has been working on a Hillside Drainage Program that covers the seven county area. They have time after time stated that the levy district should be increased inside. There are several millions of dollars awaiting use for this Hillside Drainage Program from the federal government if and when we can get the levy district increased, not decreased. At this very moment, the Southwestern Illinois Metropolitan Area Planning Commission is conducting a surface water survey for the 7 county area that was encompassed in the report of the Army Corps of Engineers and I might say to you that the survey that is now going on by the Plan Commission is the pilot program for the State of Illinois and is to be

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used as a model. Now, that program is not complete at this time and I think it's inevitable that we should have the report from the Southwest Plan Commission and we should have the report from the Army Corps of Engineers before such a drastic step is undertaken. Now, if this bill passes today it will not become law until July the 1st, 1972. I think it would behoove the sponsor of the bill to hold this bill until the Spring session until such time as the Army Corps of Engineers and the Southwestern Illinois Metropolitan Area Planning Commission can be contacted, the reports completed and at that time, Mr. Speaker and Ladies and Gentlemen of the House, if those reports indicate that this levy district should be divided into two parts, I would stand and support that position. If their report would show that the levy district should be expanded into a much larger area, I would support that position. If their report shows that the levy district should be abolished entirely, and turned over to the State of Illinois or to the federal government, I would support that position. But at this time it is impossible for me to support a position to divide the levy district into two separate parts with a lessor taxing base and whereby the as Representative Flinn said, they would like to separate the districts and give us their trouble. I hope that this bill is defeated."

Hon. W. Robert Blair: "The gentleman from St., from Madison, Mr. Walters."

Robert J. Walters: "Thank you, Mr. Speaker, Ladies and Gen-



tleman of the House, I rise to support this bill. Representative Flinn made a statement that the East Side Levy District had been in operation for some 60 years and that is correct. For almost those 60 years, it's been a bad situation for St. Clair and Madison County, I'm sure you have read about it from time to time. We've had a similar situation in Madison and St. Clair Counties for over two years of the well known highway freeze, which was completely unfair, it's being tested now in the Supreme Court trying to free Madison County from St. Clair County where the problems are, we'd like to be free. There are five trustees on this levy district, three from St. Clair County and two from Madison. It's been a bad situation for a year and everyone from Madison County on a non-partisan basis is in favor of this bill. I think it is fair for both counties and I ask your support for House Bill 2416."

Hon. W. Robert Blair: "The gentleman from Madison, Mr. Kennedy."

Leland J. Kennedy: "Mr. Speaker and Ladies and Gentlemen of the House, you've already heard from four people, two from St. Clair and two from Madison with reference to this bill. This has been a long standing shoot between the two counties first of all Representative Flinn mentioned about the drain system and the water fall. There has been appropriations in Congress passed in Congress what they call the Hillside Drainage and that would probably take care of all the problems, to ask the district to split, but the taxpayers in



Madison County don't get a fair shake. Now, I don't live in the levy district. I believe Representative Calvo, Representative Flinn and Representative Krause do. Bob Walters and I don't, but it's in our constituency. The Board of St. Clair County comes in under the new district. Now, Mr. Speaker, I'd like you to listen to some of the reasoning behind. Now, Representative Krause who sits to my left was talking about patronage. Why would I would imagine if you could see the patronage list for the last 25 years that 80% of the patronage employees for the levy district came from St. Clair County and that the President of the Levy District who lives in St. Clair County now, testified that he doesn't turn down any patronage jobs, that has nothing to do with the decision of the district. The district should be divided to the taxpayers who live in the Madison County part of the Levy District do not get a fair shake for their taxes. And in all probability that the district was divided, you'd have much more efficient operation of levy district because it would not effect the levy district at all. Now, we have asked you people, supported you people on many issues. I don't want to see anyone take the walk on this bill. I think Calvo, Kennedy, Walters deserve your support, because our people in Madison County ask us to come before you and advise the district as we are doing here today. We need your support. Please give it to us."

Hon. W. Robert Blair: "Any further discussion? The gentleman from Madison, Mr. Calvo, to close."



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Horace L. Calvo: "Mr. Speaker and Ladies and Gentlemen of the House, I believe my colleagues Bob Walter and Leland Kennedy have put this thing very distinctly. I would like to comment on a few things were said. In rebuttal to a few of the things said by Representative Krause. Representative Krause knows, and he and I have discussed this, he and I both know that this Hillside Drainage Program that he talked about that the federal government has had under study for many, many years. The money's been appropriated for many years. It's been here several times, our share. The problem has been that the engineers study all the always indicates that they don't have anybody to take it over to operate it because they don't give it to the Eastside Levy and Sanitary District. This is the kind of a condition we're trying to get rid of. Mr. Krause talks about expanding the district. I think it should be expanded, I agree with him, it should be expanded, the Madison County portion should be expanded north and eastward to take in additional areas, but you can not do it now, because you have to pass a referendum to do it and with the present levy district, there is no way you can pass any kind of a referendum. We need this and need it badly and as these gentlemen have told you, every taxpayer and every voter, this was not requested by the President of the Levy District although he does favor this split, every taxpayer and every voter of my district requested it and I had thousands of petitions. I would ask your favorable vote on this bill. Thank you."



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Hon. W. Robert Blair: "All right, the question is shall House Bill 2-, for what purpose does the gentleman from Livingston, Mr. Hunsicker, rise?"

Carl T. Hunsicker: "I'd like to ask the sponsor a question."

Hon. W. Robert Blair: "He was closing debate, you'll have to do that on explanation of vote. All right, the question is shall House Bill 2416 pass? All those in favor will vote 'Yeas' and the opposed 'No'. The gentleman from Livingston, Mr. Hunsicker."

Carl T. Hunsicker: "Mr. Speaker, I'd like to ask the sponsor a question. It says here in the digest that this deletes the limitation on compensation of attorney. Is there going to be any attorney or is the sky going to be the limit on compensation?"

Hon. W. Robert Blair: "The gentleman from Madison, Mr. Calvo, to explain his vote."

Carl T. Hunsicker: "Okay."

Horace L. Calvo: "Ah, Mr. Hunsicker, the reason for that in the bill, there was a limit that was put on in 1907 of \$500.00 for an attorney and one of the attorneys in a bond issue or something received considerable compensation above that representating the district in tax cases, etc. and on a time basis and there was a law suit where he was sued because he could not receive for his services more than \$3,500.00 and it was felt that this was an unreasonable amount of money and it was felt that it had to be improved, the amount would have to be set and approved by the trustees."



It's left open now."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Mr. Speaker, thank you. Would you please record me as 'Present'."

Hon. W. Robert Blair: "Lechowicz, 'Present'. The gentleman from Lake, Mr. Kleine."

John Henry Kleine: "Mr. Speaker and Ladies and Gentlemen of the House, I would like to commend Representative Calvo for this bill. It is a fine bill. It has a provision in there that is rather interesting and we are all fighting it in sanitary districts. I understand the compensation for the trustees is \$1,000.00 and Ladies and Gentlemen this now allows for them to pay trustees compensation which is due them in regards to the amount of money that they spend. We certainly have the same thing in Lake Shore Sanitary District where \$100,000.00 is spent in a year and we pay them \$1,000.00 and this is ridiculous. This is a fine bill and I commend Representative Calvo for presenting his bill."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there are 96 'Yeas' and 6 'Nays' and 2 'Present' and this bill having received the constitutional majority is hereby declared passed. House Bill 3651."

Jack O'Brien: "House Bill 3651. A bill for an act to amend 'The Election Code'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Champaign, Mr.



Hirschfeld."

John C. Hirschfeld: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, very seldom in the short period of time that I've served in this General Assembly have I asked the House to pay close attention to legislation that I was responsible for, because to be very honest with you, until this very moment, it probably would not make a lot of difference whether the bills I introduced passed or not. But to me this is the most important piece of single legislation that I have introduced as a member of this General Assembly and I would ask both sides of the aisle to give it careful consideration. This bill is introduced to implement the new constitution where the legislature is mandated to define permanent residence. I would try to explain the bill and in explaining the bill, I will try to be fair to both those who are in favor of it and those who have opposed it. The bill very simply states and defines permanent residence that a person must vote where he or she is claimed as an income tax exemption. There have been numerous supreme court decisions in the State of Illinois subject to permanent residence. Unfortunately, none of them in recent dates. However, while they are old, they are still the law of this state and would support the legislation that I have introduced today. As a part of this bill, anyone who attempts to registered must sign an affidavit that says in effect, 'I swear that no person other than myself is naming or will name me as his or her dependent for



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purposes of the United States income tax, or Illinois income tax during the time that I am registered in this State, county and precinct. Ladies and Gentlemen, to be completely fair and honest with you, I know that there are at least two other bills before this General Assembly that they attempt to define permanent residence. One, so-called Dyer bill, the other so-called Bradley-Carroll bill and I expect both these bills to be called. It is my sincere belief that my bill is the better of the three bills and the only one that is broad enough to solve the many problems that have been created in the attempt to define permanent residence. If you've read the newspapers, or particularly, I suppose, if you've read some of the correspondence received, particularly from my own district, and more particular perhaps from the University of Illinois, you would find the bill described as good, bad, constitutional, unconstitutional, Republican, bi-partisan, intelligible, unintelligible, progressive, anti-student and so on *ad infinitum*. I think that I can clearly say that as far as I am concerned, this bill is nothing more than an honest attempt on my part to fulfill the legislative mandate. Now, let's go into the constitutional issue briefly, as I have tried to state, all of the Supreme Court decisions in this state thus far would support the language in this bill. There has been an Attorney General's opinion issued on the subject of voting residents and very frankly and with all due respect to our Attorney General, I do not understand his



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opinion, nor do a great many others understand his ruling. In one place he is seen to state that only three questions can be asked the prospective registrant and in another place he seems to state that you can ask all the questions you want as long as you don't discriminate between different classes of registrants. This bill would clear up the Attorney General's ruling. I have examined the United States Supreme Court decision, particularly the most recent ones in California, Michigan and Ohio, and while I have learned in 11 years of law practice never to hazard a guess as to what the Supreme Court of the United States might do in this country, I do not believe that this bill is unconstitutional and I know that it does not conflict with the decisions handed down so far. One item I would like to discuss in some detail and that is the so-called student issues. Ladies and Gentlemen of the House, I think you know me well enough that when I tell you this is not an anti-student bill, which is what many of its opponents try to label it, I am trying to be as sincere as I can possibly be. This bill does not justify the students. It applies to everyone that will seek to register in the State of Illinois. For example, in Champaign-Urbana, the most optimistic estimate of student registration would be the 10,000 new University of Illinois students would register in our district. There are over 12,500 high school and non-high school, ladies and gentlemen, between the ages of 18 and 21, so there are more non-students of university age registering than there are students. And



they would be eligible to register under my bill. Without fear or contradiction, I believe I could state that I have spent more time in the last three months speaking to students in high schools and at the universities and encouraging them to register than probably any other member of this General Assembly. I have spoken at the University of Illinois on number of occasions and while we are not always in agreement, I do believe that the students respect my opinion. In all sincerity, I do not believe, however that every students who resides in a university community should vote there and even the students who came to see me from C.V.R., which is the organization which is proposing the biggest vote registration admitted to me that they did not feel that every student in a university community should vote there. If you had an opportunity to watch television last night on the 60 minute show, you would have seen what has happened in Berkeley, California, as a result of student voting. I have received over 50 telephone calls a day from my constituents who are concerned about this problem, but I must say in all sincerity, that what has happened at Berkeley does not concern me personally. There are 85,000 people in Champaign-Urbana, 32,000 of these are students and 53,000 are what we would ordinarily consider as residents of Champaign-Urbana. Approximately half of these are registered voters and so if you just take figures obviously the students could outvote the entire voting populus of the twin cities. There are other reasons why



this bill should be passed, however. And one of these concerns the tuition problem in the State of Illinois. We are currently faced with the University administration who are saying that the General Assembly has not given them sufficient funds to adequately run their universities. I have a memorandum which has been prepared for me that shows if we permit out-of-state students to claim to be in-state students for purposes of permanent residence, they then will be in a position to tell the universities of this state that they are also residents of the state of Illinois for tuition purposes and this will cost the universities in excess of \$5 million in lost tuition funds. Now, many of you have received a letter from the Graduate Student Association which attempts to set aside this fact as a misconception, but Ladies and Gentlemen, what they are saying to you is that the university is using one criteria for determining residence, and the General Assembly is going to define another one, and what I am saying to you is this, is if we are going to define permanent residence in this General Assembly, and the University of Illinois, for example, has a different definition, the first thing that's going to happen, is there's going to be a law suit to set aside the definition imposed by the University, so that these students claiming to be state students for purposes of tuition. I have spoken with Dr. Corbally of the University of Illinois; Chancellor Peldeson, the legal counsel and others, and they are firmly convinced that this is a deep and serious pro-



blem that can only be alleviated by House Bill 3651. The next point that I would like to allude to briefly concerns insurance problems, and this is not our decisions, but it is a decision that will have to be made for these children. I have talked with insurance companies and have received letters from insurance companies that have stated to me that if students choose to vote in university communities, apart from where their parents reside, they are going to have to pay increased automobile insurance, because they no longer will be considered residence of their parents homes, plus their parents are going to have to take out increased policies for liability and so forth, which will average at least \$50.00 per student. As I say, this is a student problem, and not a problem for this legislature. In conclusion, let me say the following: I honestly believe that this is a good and fair bill and should be passed on to the Senate. It is not a Republican bill and it is not an anti-student bill. It has bi-partisanship sponsor, bi-partisan sponsorship, and I believe it will have bi-partisan support on the floor of this House. Of the three bills that sit before this General Assembly at this time, this is the only bill that will solve the insurance problems and the tuition problems that I have brought forward. This House of wisdom may see fit to defeat all three bills or to pass all three bills. I will leave that up to the wisdom of the House. I am only speaking on my bill at this time and I encourage you to give it a favorable roll call. Thank you."



Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Representative Hirschfeld, will he will he yield for a question?"

Hon. W. Robert Blair: "He indicates he will, sir."

Gerald W. Shea: "Representative Hirschfeld, I know you and I have talked about this and spent many many hours and you are probably as concerned about this problem as I am. And yet I read about what happened recently down in Champaign County about the Clerk failing to talk or find time to register your people down there and that is of great concern. Now, under your bill, if I understand it right, I have an 18 year old daughter down at the University. She marries a 19 year old boy from someplace in the State of Illinois and they each work, make about \$600.00/\$700.00 a piece, per year. And I contribute maybe another \$2,500.00 to them. They live there, they plan on staying there. I can take them as an income tax deduction, they file income tax forms of their own and yet under your bill they would be precluded from voting in that county and must register at my place of residence, although the boy has never been near my house other than to visit it. Is that correct?"

John C. Hirschfeld: "Well, as far as your daughter is concerned, Representative Shea, if you claim her as an income tax exemption, she would vote absentee at the place where you reside. And, and. . ."

Gerald W. Shea: "What about the young man she marries?"

John C. Hirschfeld: ". . .pardon me?"



Gerald W. Shea: "What about the young man that she marries and I am also claiming. . . ."

John C. Hirschfeld: "If you are claiming, if his parents are claiming him. . . ."

Gerald W. Shea: "No, I'm claiming him."

John C. Hirschfeld: "If you are claiming him as an income tax exemption, he would vote absentee where you reside."

Gerald W. Shea: "But he's never actually lived in Cook County or has never been a resident in my house."

John C. Hirschfeld: "Well, with all due respect, Representative Shea, as a lawyer, I don't understand how you could claim the son as an income tax, a son-in-law as an income tax exemption."

Gerald W. Shea: "Because I'm paying over half of his support."

John C. Hirschfeld: "But under the statute, you see, the federal statute, he must be your child and as I understand it."

Gerald W. Shea: "Ah, I guess you and I respectfully disagree over what the federal income tax act is but I think there is a form and I think the number is 2201 and that if I contribute over half of his support, he can legally be a deduction on my tax."

John C. Hirschfeld: "Well, let me say this. If you are correct, that he could be your exemption, then he would vote where you reside."

Hon. W. Robert Blair: "The gentleman from McHenry, Representative Hanahan."



Thomas J. Hanahan: "Mr. Speaker and Members of the House, I oppose this bill and I think something has been overlooked here. Many of us in this General Assembly have parents that are dependents of many of these members and many cases around the State of Illinois, I know there are many people who claim an exemption for parents' support. I happen to have a mother who is now residing in Oak Park, Illinois, which, this bills, if it was passed, would this bill, according to your amendment says 'if a person is claimed as an exemption on the income tax return of any one other than himself,' would this bill, if passed, wouldn't this logically mean that my mother could no longer vote in Oak Park, Illinois, and would have to vote in the place of residency in McHenry, Illinois, where she has never resided?"

Hon. W. Robert Blair: "The gentleman indicates he'll yield to that question."

John C. Hirschfeld: "I that is a question, right, Representative Hanahan? I assume your mother has registered to vote already, is that correct?"

Thomas J. Hanahan: "No, she hasn't. She just moved to Oak Park, Illinois. Bill Walsh just sold her house, as a matter of fact."

John C. Hirschfeld: "Well, if she. . . let me answer that with both alternatives. If your mother had already registered to vote."

Thomas J. Hanahan: "But she hasn't."

John C. Hirschfeld: "But, well, all right. In that case, if





she had already registered to vote, she could still continue to vote wherever she was regardless of whether you're claiming her as your exemption or not. But if she is both registering for the first time, she will vote in the residence of an absentee in your residence, if you're claiming her as an income tax exemption. I might say that I am sure this applies to a very insignificant number of people."

Thomas J. Hanahan: "Well, to speak on the bill now, Mr. Speaker, I'd like to just disagree respectfully with his interpretation. We are amending 'The Election Code' and part of it is to define a permanent residence. And for the purposes of this act a permanent residence if a person is claimed as an exemption in terms of anyone other than himself, his permanent residence is the same as that of that person, according to the amendment, irrespective of whether or not he files his own income tax returns and claims himself as an exemption. I respectfully submit that this is not unusual, that many people support parents and if a parent wanted to register to vote, I could foresee a county clerk under this law forbidding the registration of a parent who is claimed as a dependent of a son or daughter from registering in that community, even though he has never resided or she has never resided in the community where the son or daughter resides. I think it's a bad bill, atrociously drawn, with only one thing in intent. That is to preclude the God given right under our constitution of the right of a person having the intention of residency, and I submit to you members of the



General Assembly, that a matter of residency is a matter of intention, its a matter that no law could be passed that says I can not own two homes and decide which home I decide to register from, it's a matter of intention and my mother never intended to reside in McHenry County, she intends to reside in Oak Park, Illinois, and when she goes to register to vote, I sure hope that this is not the law of Illinois where she will be precluded from her right after 60 years of being a resident of Illinois, her right to vote."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Katz."

Harold A. Katz: "Ah, would the gentleman yield for further questioning?"

Hon. W. Robert Blair: "He indicates he will."

Harold A. Katz: "Ah, I had a situation in my district that is along the line of questioning of Representative Shea poses, but adds an additional fact. The parents who lived in my district moved to the State of Michigan. The child is at school at a state university. They moved to the State of Michigan, they claimed the child as a dependent. What happens? Where does the child vote?"

John C. Hirschfeld: "Is the child in school, Representative Katz?"

Harold A. Katz: "Yes, the child is in school here in Illinois At Illinois State University, as a matter of fact."

John C. Hirschfeld: "Well, I first of all, let me say, to get back to Representative Shea's comment, I do not specialize



in income tax work in my law office, but I did check with a lawyer who does and he has informed me that you can not claim the son-in-law as an income tax exemption."

Harold A. Katz: "Well, I'm not talking about a son-in-law."

John C. Hirschfeld: "Well, all right, now on to you and your question. Ah, under my bill, I believe that the child would vote absentee at the residence of his parents."

Harold A. Katz: "Yes, but the State of Michigan says that this child has never lived in the State of Michigan, so the child is not permitted to register in the State of Michigan, so this child is disfranchised from voting. You won't let him vote in the state town where he lives and where he may in fact have a home. The State of Michigan says that he's not a resident of the State of Michigan, he's never lived in the State of Michigan. You are disfranchising that child from voting."

John C. Hirschfeld: "Is that a question?"

Harold A. Katz: "Well, it's a question unless you can explain it. It is really commentary on the inadequacy of the bill."

John C. Hirschfeld: "Well, I I respectfully disagree with you, Representative Katz, because I think if a child is in school, the child could maintain the residency of the parents regardless of where the parents move to and the fact that the parents may move to Michigan, Indiana, Minnesota, wherever it might be, the child could retain his residency with those parents."

Harold A. Katz: "Ah, I have only one additional comment to



add to the bill. One of the real problems that I think is created by the bill is sort of an assumption that parents only take care of children and support children that are quite young, maybe 18 or 19. In this day and age where a child's professional education may take him to age 24 or 25 or 26, where it is very common for children to get married and still being in school, the parents, if they're able to do so, to support them, what you are really doing is permitting grown people of 23, 24, 25 years old, who because they are procuring special training, in medicine, law or in some other field, and have to remain in school, you are saying that you have to vote in some place where you don't live. You're saying to them that because you're economically dependent, we're going to deny your right to participate in the community in which you live, in the community where you may even have a home, where you may plan to remain. It seems to me that the impact of this kind of bill would certainly be to disfranchise not only the 18 and 19 year olds, but to disfranchise young people who may well be in their middle to late 20s because of the long period of time that students remain in school these days in order to get advance for additional education. We should encourage that kind of education. We need that kind of trained person. We should not discourage them by treating them as if they were an 18 year old. We should encourage them to go out on their own and participate in their community and your bill discourages that."



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Hon. W. Robert Blair: "The gentleman from Cook, Representative McGah."

Joseph P. McGah: "Mr. Speaker, I move the previous question."

Hon. W. Robert Blair: "The gentleman has moved the previous question. All those in favor signify by saying 'Yeas', the opposed 'No', the previous question. . .do you wish a roll call? The gentleman's motion to move the previous question fails. The gentleman from Cook, Representative Rayson."

Leland H. Rayson: "Well, Mr. Speaker and Members of the House I don't suppose I could add anything to what has been said here today concerning this bill. However, the last speaker did say it goes beyond the pale of trying to nettle the college student and it does suggest many serious questions with regard to the right of enfranchising. Pursuing that end to only one point, I'd like to say under the Internal Revenue Code we have for children who might support dependent parents, multiple-support agreements. Ah, perhaps there might be five children who ah might in their own way agree to support their parents ah each year and at which time the other children furnish support waivers and I suggest under this kind of bill that they this particular dependent and this particular dependent is generally an older person, could well shuttle around five residencies or more perhaps, depending on the number of children who might use this income tax device. Again it shows that although the intent to make a well-meaning test for registration and a clear test still falls short of the mark. And no matter



how it's been ah said here today that it isn't designed really for the young, yet no matter how we slice it, it is. Ah, also as has been said with reference to the young and their ties to their parents, it comes more and more manifold that the young loosen their ties when they go to college. It is getting more and more, whether this is so or not, but it's getting more and more that they visit less and less their parents and have less and less concern with their parents in their environment. You might say that my own personal frustration was when my young son went to law school in Cleveland, he wanted to know whether he should register there. And my young son who went to Grinnell in Iowa, he said should he register there and I said of course register in the area in which you feel you have some roots, in which you can gain some political insights through experience and win your way in participatory democracy. This seemingly is the only advice I can give and for us here in these halls today, I remember the great inscriptions that I found at Columbia University when I attended there once and it said 'Hold fast the spirit of youth', and I think the spirit of youth is the answer for the future of this country. Thank you."

Hon. W. Robert Blair: "The gentleman from Champaign, Representative Clabaugh."

Charles W. Clabaugh: "Mr. Speaker, Member of the House, all of you have have taken parts in lots of elections and you all know that some of these people come to you the day or



two or week before elections and they say, oh, we moved from one place, across the street, into another precinct and we didn't record our change. Now, what do I do and we say well, you're just simply out. Their answer is oh, you can't ah ah disfranchise me, I have a right to vote. You know very well they don't have a right to vote if they moved two days ahead of elections and didn't change. Now, there have been, I'm pointing this motionally at some of these very unusual incidences that some of the members have obviously tried to handle out of weight upon. Now, voting is not a right in this country at all. It's a privilege that you earn by being a certain age and having lived in a certain area a certain length of time and the purposes of these limitations on the ballots limitation upon everybody voting everywhere that they might want to, is to protect the rights of the people who are voting in that area about which there is no question at all. The Supreme Court decision that was cited by the Attorney General when he gave what appeared to most of us to be a very mixed up opinion, about student voting, he cited the Supreme Court decision in Illinois of 1907 and another one in 1924 and both of those, both of those, I would like to impress upon you, cited the effect that students voting in large numbers in a community might have towards upsetting the procedures of government in those communities. So, the Supreme Court took in cognizance of the effect of having more students voting in a community, most of which have absolutely no



enters into the community at all except as was expressed right out in this hall the other day when I suggested to one of the men who sat close to me and a name came in, I said ask that young lady why she wants to vote in Champaign and she was mad at the Mayor because of something and therefore she wanted the right to come in our community and vote. Well, now, I think my activities in the past 25 years in this General Assembly would certainly prove that I am not against young people. Practically every day of my legislative career, it has been some act to try to improve the conditions of young people. Nevertheless, if you came to our community, and just because you graduated at the University of Illinois or some university ten or fifteen or twenty years ago, don't you think that you're still understand the conditions around the university today. You come over to our court house, you go to some of these meetings ah where these voters board coordination groups is, you look them over and I would like to ask you if you'd like to have 500 or 5,000 of them to move into your district or into your town or in your county to vote. Now, of course, the purpose of this ah bill is to is to limit the voting of people who have no right to vote there. They never had any right to vote there. They are being encouraged by faculty members of the University of Illinois. Their legal problems are all being taken care of the far left and the law school and that is the most of our faculty in the law school over there anymore, in defending them in all of those things and



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this little poop sheet which was sent around to your desk a moment ago just as Representative Hirschfeld began to talk, saying that the to the effect that a registration didn't have any effect on out-of-state tuition, but believe you me it would 30 days after they were registered and ah if this bill is not passed or some other of these restriction bills. Ah, now, I just say that we people who own property and who are paying taxes on that property don't want a lot of transit people, and that's what they are, whether there's a defense one or the worst one, I'll tell you this, the best ones are going to vote back home where they have the interest, and the worst ones that they are the ones that are going to be voting over there under some kind of an influence, and sometimes that influence is one of the things that they're being required to do in order to get proper credits from some of these university professors that ought to be, well, I was going to start to say driving a truck, but I have more respect for truck drivers than to say that. Ah, if you own property there and if you were paying taxes on it. If you went over to the halls of the university, and saw as I saw in the week before school elections last year on the bulletin boards of one building after another urging these young people who don't have children in school in Champaign, or Urbana, either one, to be sure to go out and vote in the School Election. I say if you have if you lived in our community or in any other college community and owned property there, you'd have a



great deal different feeling about this thing. I think we have a right to have the kind of government that the people in that community want, rather than to have the siftings from every other community in the United States there and I assure you that I hold wholeheartedly support for this bill of my colleagues and his co-sponsors, and I hope you support it."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Carroll."

Howard W. Carroll: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There are a few points that have not yet been covered or answered. And rather than ask questions of the sponsor and as most of you know, I am one of the principal sponsors of one of the other measures."

Hon. W. Robert Blair: "Representative Hill, for what purpose do you rise, sir?"

John Jerome Hill: "Mr. Speaker, I don't want to take any rights away from the television grouping up in the balcony in back of us, but those lights have been on for quite some time. Now, if they're taking pictures, I have no complaints of those lights being on. But if they're not taking pictures, I would appreciate very much if they'd turn them off because they're very strong on our eyes."

Hon. W. Robert Blair: "Re-, Representative Hyde, for what purpose do you rise, sir?"

Henry J. Hyde: "Well, Mr. Speaker, that's very unfair to Mr. Carroll. He's been waiting to get on television all after-



noon."

Hon. W. Robert Blair: "Mr. Carroll."

Howard W. Carroll: "And I might add that my back is to the camera, Henry."

Hon. W. Robert Blair: "Turn around a bit, they'll get your profile, Howie."

Howard W. Carroll: "Thank you Henry."

Hon. W. Robert Blair: "Ah, the Speaker has given them permission, Representative Hill, and I believe that they are shooting right now, as indicated. Proceed, Representative Carroll."

Howard W. Carroll: "Okay. And I appreciate the consideration of the Majority Leader. I just want to mention. We've talked about the provision of this particular bill requiring that you register at some place where someone else resides. Or someone else has the intention of residing and voting, we've talked about how it affects students. We've also talked about how it affects the elderly, the people who are being supported by their children, as Representative Hanahan mentioned. And what about some of our veterans who come back to our communities who are disabled, who are being supported by their families, whose families may reside anywhere in this State or anywhere in the United States. They would be bound by a principle here that I think has been decided to have been clearly unconstitutional. We have here a person being required to sign an affidavit as to what someone else is doing, has done and will do



in the future. How can you as a person signing an affidavit know for sure what some other person is doing on some other federal form other than the form that you're signing. Now, we discussed tuition. Can I have a little order, please? Mr. Speaker? The point of students was brought up. The point of tuition has been entered into it. All of you did receive, I know, a copy of this letter, which I did not distribute, and I'm not sure who did. But it does say that registered voters in and of itself does not qualify one for residence status. And I would advise the people of Champaign-Urbana who have studied this area, to look at, to look at the multi-page questionnaire which one must fill out. The multi-page, multi-question questionnaire that one must fill out claiming to have status in the State of Illinois. You will find as you read this that whether or not you have registered to vote, there are just one of many questions, there are page upon page of questions. The fact that you registered, will not in and of itself, nor is it considered by the Department of Admissions or the Office of Admissions to be a major qualification as to whether or not you get in-state status. I don't think, however, that that is the issue. The issue is one man, one vote. Where were they counted? Where were they counted for your district? Where were they counted for my district? On April 1, the student, the informed, the veteran, all the people that would be disenfranchised and I use that word on purpose, disenfranchised. By this particular bill, work out where they



were on April 1 and what I have here is a copy from our State Library of the data collection forms and procedures of the 1970 Census and Population and Housing by the United States Government Census and it has in here the exact provision. For example, as to college student. They will be listed and counted at the place they were on April 1 and if they are going away to school and if they are at their parents' home visiting or at their uncle's home visiting or anywhere else that day, they are to be counted at school. It was their residence for purposes of the census. And under the one man, one vote principle, that's where they were counted when your lines were drawn, when my lines were drawn, as to where they actually lived. Occasionally, the cases have been consistent with deference to Representative Clabaugh and Representative Hirschfeld. We have had cases on this issue. The cases have gone back through the 15th Amendment. Cases have gone on this particular topic. The key is that under the 26th Amendment to the United States Constitution, which we have taken an oath to support and defend. And under our own constitution, requiring that we be uniform to all people, that a person by the 26th Amendment at age 18, which is legally known as sui juris and what that means is that they are capable as of that time when that was adopted, of in their own mind coming up with that objective intent of where their residency will be for purposes of voting. Once they are sui juris, they and only they themselves will determine whether or not their resid-



ence is in one location or another. No one else for that purpose can make that determination for them. Supreme Court is uniformly said both in this State and the United States Supreme Court, that residence for one purpose is not the criteria for all purpose, as people have residences for different purposes. For local taxes, for state taxes, for federal taxes, for voting and for a number of other things, for license plates and any other thing that you can think of. One is not determinative of the other. What the Supreme Court has said and what the 26th Amendment does say is that they are sui juris. The only criteria can be what their intent is of their multiple abodes for those people in those situations and actually where they are going to intend to vote, where they are going to register. I think the issue is clear in this case, I think that this case because it sets up a class, which the United States Supreme Court says that a state can not do. We can not make a class of people, be they students, or be they expanded to include the elderly and the infirm. We can not set up a class of people and require them to hardship in registering and a hardship in voting. This is a hardship of all of the principles that they have laid down. I'm not going to take up the time of the House to cite them, I'm more than willing to show the sights to Representatives Hirschfeld and Claubaugh, I have them right here on my desk. I urge you to vote against this bill. Thank you."

Hon. W. Robert Blair: "The gentleman from Coles, Representa-



tive Cox."

William D. Cox: "Mr. Speaker, I move the previous question."

Hon. W. Robert Blair: "The gentleman has moved the previous question. All those in favor signify by saying 'Yeas', the opposed 'No', the previous question has been moved, and the gentlemen from Champaign, Representative Hirschfeld, to close the debate."

John C. Hirschfeld: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I assure you that were the same thing in my mind is to try to get this House devisive today, but it may happen anyway. Let me just say very briefly in answer to Representative Carroll's comment about the census. As I remember the census, I think we counted all children 6 months of age and under in Champaign-Urbana, for example, too, and no one has ever made an argument that they should vote there, so whoever is or is not included on the census to me seems immaterial. And I'm sorry that I did not receive a copy of the handout that was handed to me by my seat mate from Mr. Bridgewater, but I had seen it earlier and it states, of course, being a registered voter in itself does not qualify one for residency status for the purposes of fee assessment. But Ladies and Gentlemen of the House, I took this up with the President of the University and with the Legal Counsel, subsequent to the time that this was sent to Mr. Patton, who is one of the students who I deeply admire for coming over and testifying against these bills, frankly. And what the University of Illinois is concerned



about is not what Mr. Bridgewater said, but once we define residence in a manner other than the way it's defined in my bill, is that students from Missouri, for example, who move in, vote, let's say in DeKalb, will say all right, I'm an in-state resident for voting and as far as I'm concerned, I'm an in-state resident for tuition purposes and the guidelines that you have set up are contradictory to the guidelines that have been set up by the General Assembly in the State of Illinois, and if you don't let me claim this state tuition, then I will have my attorney file a law suit and we'll decide whether or not I'm an in-state student. And in my considered judgment, having spoken with the legal counsel of these universities, that these kids will be declared to be in-state citizens for tuition purposes, and we will have to somehow find in excess of \$5 million for the university once again. Now, I do not believe I have lost my composure on the floor of this House yet. But I deeply resent the comments of Representative Rayson a while ago that no matter what I said as far as he's concerned, the real reason for this bill pertains to the young. I assure you, Representative Rayson, that this bill is not aimed at the young and I do not appreciate a comment like that coming from you or any other member of this assembly. As I stated before, I think I've done more in going into the schools in the state in the past few months to encourage young people to register to vote, than any other member of this General Assembly and I'll stand on that record despite any





accusations you might make. In addition to that, and I think Representative Carroll, Dyer and Bradley will agree, we had a genuine disagreement on these bills and we have discussed these at great length over many weeks and at no time did any of us accuse the other or even bring up the subject of a bill being aimed at the young or against the students. These are nothing more than three honest attempts to find permanent residence and I do not appreciate being put in the category of being involved in an adversary procedure with students, because that is not my position at all. It is not an attempt to cast the students in any role different from any voter in the State. Very briefly in conclusion, let me say this. There is a tuition problem, whether Mr. Bridgewater thinks so or not. Legal counsels from these universities do think so, and this bill is the only one that can solve it. It's a fair bill. Certainly it affects students. It affects everyone. I admit to Representative Hanahan that it will affect some of our elderly people, but they are a very small minority. All voting residency bills are going to effect someone. I think it's a fair bill, I don't think it's an anti-anyone bill, and I encourage the General Assembly, on this side, anyway, of the rotunda, to pass it out so I can get a fair chance to see what I can do with it in the Senate. Thank you very much."

Hon. W. Robert Blair: "The question is shall House Bill 3651 pass? All those in favor signify by voting 'Yeas', the opposed by voting 'No'. The gentleman from Cook, Representa-



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tive Ewell, to explain his vote."

Raymond W. Ewell: "Mr. Speaker, Ladies and Gentlemen, any society that fears children is in trouble. If we are in trouble, it is because we fear our children. They are the future. Any bill of this type of necessity violates the law. Residency is is now and always will be the matter of intent. I've heard speakers on the other side of the aisle bemoan the possibility of protecting their interest. Their real property interest. I ask you, who was it that fought their real property interest back here? It was the children and the young of our society. The students who stood with me in every instance and when my cause was down upon (and down) they were there. I've seen all types of grandfather clauses, property tax, literacy tests, and many other devices to disenfranchise the young and the students. And as they stood with me and stood for what they thought was right, I will cast a vote for the students and ask every member of this body to stand with them as they have stood with us, for they are our children and our great future."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Rayson, to explain his vote."

Leland H. Rayson: "Mr. Mr. Speaker, I don't take advantage of this, but perhaps I should rather than explaining my vote and exercise my right of personal privilege. Due to the fact that I think my name was mentioned. I hope I'd not incur the wrath of the distinguished gentlemen who is the sponsor of this bill, a man who I have high regards for



him and I consider him a very able legislator. I will say, however, that having listened very attentively to the other gentleman from Champaign who spoke about things of public policy and how we don't want people to vote here or there, I have high respect for him and I accept his candor. I accept his candor and his position and I respect him. I just don't agree. Thank you."

Hon. W. Robert Blair: "The gentleman from Lake, Representative Matijevich."

John S. Matijevich: "Ah, Ladies and Gentlemen of the House, I think that everybody ought to know that when Ray Ewell speaks about the kids of the future, he has a baby that is due to be born today, I believe."

Hon. W. Robert Blair: "Have all voted who wish? Take the record. On this question, there are 74 'Yeas', 81 'Nays' and this bill having failed to receive the constitutional majority is hereby declared lost. House Bill 3625."

Fredric B. Selcke: "House Bill 3625. A bill for an act to amend Section 63a6 of and to add Section 63a6.1 to 'The Civil Administrative Code of Illinois'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from McLean, Representative Bradley."

Gerald A. Bradley: "Ah, Mr. Speaker, Ladies and Gentlemen of the House. The new constitution of the State of Illinois says that the General Assembly by-laws shall define permanent residence for voting purposes. This is why I submit



3625 for your consideration. For in this bill we have both defined what permanent residence is all about. We have accepted two amendments to the language we have used in defining permanent residence, one merely striking four or five words in one sentence. In line 16 we say 'permanent abode is that place which he considers to be his home as against any other abode'. The first part of the definition a permanent residence is a person's abode which he has no intent to presently abandon and a person may leave his permanent residence as his interest may dictate. The second amendment was offered by Representative Dyer and in that amendment we accepted part of her affidavit and included it with the affidavit that the registrant must now presently sign. I believe when we did this that this amendment will meet some of the objections that Representative Clabaugh made on his talk on the last bill. We ask that the registrant also sign an affidavit that if they have registered in another county, that they so make the statement at the time that they register, thereby we will be able to keep clean the rolls, the registration rolls throughout the State of Illinois by the county clerk then forwarding this statement back to the county where the person had formerly been registered. We ask in our bill that the county clerks ask the question if they have been a resident of the state for six months and of the precinct for 30 days. In also is the intent of us who have sponsored this bill that they be able to determine whether the proposed registrant may ask



the question to determine in their own mind if they do really mean the residency requirement or the residency definition as we define it in this piece of legislation. I do not propose to pick up a great deal of the time of this House on this piece of legislation, because we're addressing ourselves to the same thing, the same proposition that we just debated for almost one hour on this floor. However, I must say that we when drawing this bill were trying to draw a piece of legislation that applied to the young and the old, the rich and the poor and the black and the white. And not to the students of the various universities. I'm sorry that they entered so profoundly in the debate, because if you who have been checking, as I have for the past month, with the county clerks in the various counties, that the students are really registering or not, you'll find that they are not. In McLean County, my home county, where I have kept a close check with the county clerk, we have had over 900 students register at the court house. Some 800 of which have registered at the court house because McLean County is their home before they leave to go away to school. In referring to the article in the Sun Times yesterday, of the rally of some 100 students in a university town where they have 30,000 students, they have a rally of 100 students who go down to the court house and my only advice to that county clerk would have been to go ahead and register the 100 students and we wouldn't have the problems that we're afraid we're going to have. The



county clerk in our county has registered those students, except on occasion when they've come down and said I've already registered in another county. And rightly so, he has refused them the right to register in two places, in two counties. Nobody can vote in two different counties. The Unit 5 School Board on this Saturday, we will have a referendum. This will be the first opportunity for the students at Illinois State University to take part in a election that will directly affect the taxation problem in one of our local university towns. I talked with the Superintendent of Unit 5, I've talked with the County Clerk in McLean County and there has not been any significant number of students rushing down to the court house to register to take part in this particular election on Tuesday. I think that we have contrary to what my good friend Representative Hirschfeld, has said, I think this bill is the best piece of legislation to come out that could be coming forth from this body because it does address itself to everybody in the State and because I believe it can be constitutional, it can be held constitutional. Mr. Speaker, I ask for a favorable roll call."

Hon. W. Robert Blair: "The gentleman from McHenry, Representative Hanahan."

Thomas J. Hanahan: "Mr. Speaker, will the gentleman yield?"

Hon. W. Robert Blair: "He indicates he will."

Thomas J. Hanahan: "Representative Bradley, I'm concerned on a contradiction in your lines 13, 14 and 15 of your bill,



where it says a permanent residence is a person's permanent abode which he has no intent to presently abandon. Now, my question is if a person, well first of all, what is a permanent residence in connection with a permanent abode? Legally and technically, what is the difference between the two terms?"

Gerald A. Bradley: "Well abode is the home and the residence would be the place where you presently are."

Thomas J. Hanahan: "Residence is a place where he is? Okay. Well, then to pursue that line, if a person, you will say that a person will leave his permanent residence as his interest may dictate. Could you explain in the matter of attention, your intent of the law. It's a person's intention at the time of registering to leave at the end of a term of office, or a end of term, or let's say a committee clerk working down here in Springfield, if he knows that at the end of the session, if she knows at the end of the session, she is no longer going to have work available for her, and so she will have an intention of leaving, but at the time there may be an election coming up and she wants to participate. Even though in her conscience will she be eligible under this statute if passed to register to vote here, even knowing full well that she intends six months from now to return back to whatever other county that she is going to reside in?"

Gerald A. Bradley: "If she has an intent right now to leave later on under this bill, she would not be eligible to re-



gister."

Thomas J. Hanahan: "Well, once again, Mr. Speaker, I stand in opposition to this bill because this is exactly our problem in our mobile society. We have people constantly changing jobs, we have people constantly moving about in today's society that have no intention and I mean moral intention of residing in a specific place for more than 3 months, 6 months or 8 months and yet in that interum in an important election is up, they are residents of the State for six months, they've just moved from Chicago to Springfield or McHenry and yet they know at the end of three or four months, they're going to change residency, they are going to make the move to another city and under this bill as I readit, that because they have an intention of moving, they would not be eligible to register. This is grossly unfair, I don't know how you get around it, but I think the intention of residency at the moment is more what we could consider, not what a person is thinking of doing six months from now when an election is at hand and they should be allowed to register to vote."

Hon. W. Robert Blair: "The gentleman from Champaign, Representative Clabaugh."

Charles W. Clabaugh: "Mr. Speaker, I take the indulgence of the House having to speak so often on these matters today, but I'd have you be aware that there are two amendments to this one sheet bill, one of which has 11 pages in it. Now, Representative Bradley and I worked very well on a bill to-





gether that this House accepted, but the Senate turned down and I'm sorry to have to rise in opposition to his bill and I hope he gets the same number of votes on this side that we got from them and if there's any, that many less. Several things to say about this bill, and Representative Hanahan touched on one of them there, on line 13, the bill reads 'a permanent residence is a permanent abode which he has no intent to presently abandon'. Now, that person might not have any present intention of abandoning it, but you know that anyone that most of the people who are students in the university who says they have no intention, no present intention to abandon, gives an entirely different meaning and that's exactly what this bill should really say. Mr. Speaker, I wonder if we could have just a little more. . . I've been told that if you don't talk loudly, people will listen a little more to you, so I will try to keep my voice down. The real crippling part of this bill is that beginning at line 20 and going on to line 27, it strikes Article IV, V and VI of the present 'Election Code'. Those included in Section 4-10 is the right of the County Clerk or the Registrar to ask various questions. That's in the present statute and has been there for many years. Various questions, as to identification of the person and where they're from and so on. It's rather ridiculous for a person with a driving license from California and a title car title from California so they don't even have to pay any property tax on it locally, to come in and say this has nothing to do



with where I propose to live. Now, this is all stricken from the present statute and instead of trying to make some kind of a reasonable cure of upon this voting, it actually throws it open more than it is. The balance of this 11 page amendment, and there is one real drafting error in it, it simply substitutes for the statement of questions that is now in Section 4-10, I believe, yes, 4-10 of the statute. It calls for an affidavit in which the person states their name, their age and this might seem superfluous and they ask them the sex and I can see why on the college town or on the university or wherever, the registrar might have to ask that and where they've been presently residing. And now, get this, the important thing, it says, upon the execution of this foregoing affidavit, just naming those three or four, answering those three or four questions, the person shall be registered on the basis of the information given in the affidavit. So this has not not only not defined permanent residence, it has even thrown out every way of arriving at it other than the four questions that I have spoke of. Now, I hope that this bill doesn't get sufficient votes to pass and I have some amendments, two amendments on that I think aren't, they don't tie this down as much as it should, and I will offer them and I have 177 copies, if we can pass it out and put those amendments on, call it back to second reading, if the sponsor will do it, and put these amendments on it, and then do something about it, because I'm quite sure that the Senate isn't going to pass



this bill in this condition. The draftsman in the error of the draftsmanship that I spoke about is in in one place there is new material about the affidavit and it isn't underlined. This error in draftsmanship that I think we should take some thought about it. So, I hope that you don't pass this bill which not only doesn't tighten up the definitely define within limits the permanent residence, but just practically takes away from the registrar any rights to find out whether or not the person has a right to vote and register in that area. Thank you, Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from Rock Island, Representative Henss."

Donald A. Henss: "Mr. Speaker, will the gentleman yield for a few questions?"

Hon. W. Robert Blair: "He indicates he will, proceed."

Donald A. Henss: "Ah, Representative Bradley, I understood you to say that you attempted an amendment of at least a part of Representative Dyer's bill. A part of her bill said that nothing would prevent election authorities from making investigation to determine whether the address was in fact the applicant's residence. Did you accept that language in your amendment?"

Gerald A. Bradley: "She did not offer it, so we did not have the opportunity to accept it."

Donald A. Henss: "Then that is not in the bill at the present time. Also in her bill you did find some reference to the fact that certain things may be considered in making this



determination. They would include the address on driver's license, address on selective service registration card, address to which income tax forms are sent or property tax forms and an address to which charge accounts or other bills are sent. Are any of these things included in the amendment which was adopted to your bill?"

Gerald A. Bradley: "No, they're not."

Donald A. Henss: "What questions can be asked in making the finding of residency out of your bill?"

Gerald A. Bradley: "The questions that they can ask are the six months requirements, the 30 days and also they can address themselves to determining if they, when they come in to register, our definition in this piece of legislation of permanent residence."

Donald A. Henss: "Ah, so all they really ask or have to do is say that they presently do not intend to leave that address and they intend to live there for an indefinite time, is that substantially it?"

Gerald A. Bradley: "Yes, sir."

Donald A. Henss: "Now, I am assuming that every student who goes to a school would be able to say that he intends to live in that vicinity for as long as he's going to school which indicates an indefinite time, so that every student would be able to, if he chose, vote in that vicinity. Would that be your interpretation?"

Gerald A. Bradley: "Ah, Representative Henss, he must also say that this is his abode and that it's his home and in



his judgment, ah, this is then his permanent residence."

Donald A. Henss: "Now, in your opinion is it the probably effect of this legislation that a student would have the option of determining if he will vote at the voting place at the university or at another place, from which he originally came, or at least a substantially number would have that option?"

Gerald A. Bradley: "Possibly they would if they meet the definitions we have. I don't believe we're going to have this happen. It is my firm belief and the intent of this bill that if they do have the meet the requirements, they do have a permanent abode there, this is their home, then they will be allowed to register."

Donald A. Henss: "Well, very briefly, Mr. Speaker, I did not support the bill which was just considered, Representative Hirschfeld's bill, I voted against it. I will also vote against this one. I don't think that this is a good bill, I think it is pretty indefinite, pretty vague and it gives a lot of options to students which do not exist for other people. I feel that there should be something more concrete in the law than is provided by this bill and I would suggest that the membership consider supporting another bill which is in the House on the same subject and is sponsored by Representative Dyer and which does give the definite guidelines and will let the county clerks know exactly where they stand and also the applicants know exactly where he or she stands and ah is substantially better than either of the



two bills that have been presented."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Carroll."

Howard W. Carroll: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to make a few points on this particular bill of which I'm proud to be a joint sponsor with Representative Bradley. We have gone through with the last bill that we discussed what the Supreme Court has said. Let me just answer a few questions, that, in my opinion, a few questions that have been raised. First of all, for purposes of Representative Hirschfeld, I've a letter of October 29, in which the University of Illinois Office of Admissions reiterates that what we do here is not determinative of their rules and regulations of what is in-state or out-of-state. Again, the law is clear. The law is one of sui juris of the subject of intent of the person registering to vote, to vote for that which they have as a permanent residence. Now, this is not only dealing with students. This is dealing with a multiple of people who have only one abode. And we use the word abode and we use the word permanent residence and permanent abode, because those are the words used in the 1970 constitution of the State of Illinois and the words that have been used throughout the election code. Now, when Representative Dyer has done through her amendment to this bill is to take the part of the Election Code, 4-a to create this section in 3-2, she has taken 4-a which is the present requirement that when a person registers to vote, they fill out a card



on which appears an affidavit and what we have done with that affidavit is to make that affidavit comply to the new law of six months and 30 days and the new age and that the person signing that affidavit as they had to do before, he signs an affidavit that says that this will be their permanent abode as against any other abode, if they have one, that they may use, obtain or own. Now, the point is its present intention, it has to be whether or not in your mind you presently today have the intent to abandon that residence, and as we know in this mobile society, the average American moves once every five years. The average American, 40% of the Americans society moves once every four years. The students are no different than any other Americans. The students are as mobile or lack of mobility as anyone else. There are many people of this state that obtain more than one abode. More than one abode that might be in this state or elsewhere, and this that each and every abode has different basis of residence, for purposes of taxing, for all the magnitude of purposes that can be imagined. What we are dealing with here is a constitutional mandate. Mandated in our new constitution that we come up with a uniform definition of permanent residence. What we have done, we have taken the constitutional language and the United States Supreme Court decisions, which have defined that which can be included and that which can be not and the definitions, going back again to the 15th Amendment, all the Civil Rights cases, the color of law sections of the



United States Code, all of those definitions say that the answer is objective intent. This person must sign an affidavit under the Dyer amendment that this is in fact their permanent residence. The questions can be gone into. Not the questions that the Supreme Court have said are invalid, but the questions of whether they have decided there legitimately for any length of time can be gone into. The questions of whether or not there is a permanent residence can be gone into. These are the questions. Once they have signed this affidavit, with, of course, not only the potential of being stricken from the roles under the cancellation procedures that exist in the election law, they are, of course, subject to any perjury laws of this state having signed the affidavit. I think the fair of the students is a fair that is not founded. I think this meets the constitutional test that it is uniform, that it's applicable to all and I urge your support."

Hon. W. Robert Blair: "The gentlemen from Cook, Mr. Simmons."

Arthur E. Simmons: "Mr. Speaker will the sponsor yield to a question?"

Hon. W. Robert Blair: "Ah, he indicates he will."

Arthur E. Simmons: "My question is this. Will this jeopardize the legislative scholarship? One of the requirements is when you issue a legislative scholarship is that you live within your district. Now, if a student signs an affidavit that his permanent address is in the university area, what will happen to his legislative scholarship?"





Gerald A. Bradley: "My answer would be I don't think it would make a bit of difference when you award these scholarships he probably individually at your home in your. . ."

Arthur E. Simmons: "Well, what prompted my. . ."

Gerald A. Bradley: "Now, if you're saying what happens when he's a sophomore, junior. . ."

Arthur E. Simmons: "What what prompted my ah question is I have a neighbor that I promised a scholarship. He's now a freshman. Now, if he should go vote this fall in some local election, would I be permitted to award him three years of an Illinois scholarship in Champaign-Urbana?"

Gerald A. Bradley: "I'm sorry, I can't answer that question, I really don't know."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Murphy."

W. J. Murphy: "Mr. Speaker, I move the previous question."

Hon. W. Robert Blair: "All those in favor say 'Yeas', the opposed 'No', the 'Yeas' have it and the previous question is moved. The gentleman from McLean, Mr. Bradley, to close."

Gerald A. Bradley: "Mr. Speaker and Ladies and Gentlemen of the House, I'm not going to belabor this question. I would like to correct a couple of things. Ah, in the long amendment that has been referred to, it is a technical amendment, because we were referring to three different sections in the Election laws, subsequently to get the bill in the proper form, and we did not change the substance of the bill in that long amendment, other than including into it the Dyer amendment that we accepted. The question was brought up



about a student in a dormitory. Generally to Representative Henss on that question, it is not their abode, so consequently they would not be meeting the requirements. In some cases, in our definition. There the word disenfranchised has been used quite lengthy. It was my concern throughout the last five or six months that the possibility could exist that we would have a student going away to school that he would be not allowed to register there, they would go back to their home county and they would not be allowed to register there. Consequently, then we would be disenfranchising the very people that we last Spring in this House voted to allow to vote. I have children of my own who are nearing this age, and I certainly don't want them to be disenfranchised. The insurance item was brought up in the other debate, which I think can not be stressed too strongly. Your home owners insurance policy which you buy and when your children go away to school, they take with them ten per cent of the full amount of coverage with them to protect them when they are away at school, liability, fire, theft, etc. Now, if they register there, if they become a permanent resident there, then they are no longer protected by that policy, and a parent throughout the State of Illinois, I am sure, will be reminded of this when they send their daughter and son away to school. We all have as members of this body have a second residence, but we all have one permanent residence. Our second residence would be here in Springfield, but our permanent residence



## GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

is in our place, our home, our abode, and this can be brought out when a challenge is made on the day of election under this particular piece of legislation. Mr. Speaker and Ladies and Gentlemen of the House, I ask for a favorable roll call."

Hon. W. Robert Blair: "All right, the question is shall House Bill 3625 pass? All those in favor will vote 'Yeas' and the opposed 'No'. The gentleman from Cook, Mr. Bluthardt."

Edward E. Bluthardt: "Ah, Mr. Speaker and Members of the House, I want to explain my negative vote in this matter. This bill would remove very vital sections of the present Election Code, among them Sections 4-10 which provides that no person shall be registered unless he applied in person to the registration office and answered such irrelevant questions as may be asked of him by the registration officer and executes an affidavit of registration. The registration officer may request applicant to furnish proper written personal identification in writing, including but not limited to any of the following: social security card, driver's license, credit card, lodge or civic clubs. Mr. Speaker and Members of the House, for the life of me, I don't understand why this law that was applicable for many many years applied to those of 21 and over can not also apply to those of 18 and over. Mr. Speaker, I vote 'No'."

Hon. W. Robert Blair: "Have all voted. . . the lady from DuPage, Mrs. Dyer."

Mrs. Robert C. 'Giddy' Dyer: "Ah, Mr. Speaker, Ladies and



Gentlemen of the House, in explaining my 'Yes' vote on this bill, I would like to point out that I think it would be an excellent thing if this House could achieve a bi-partisan bill on this subject. And this was my hope as this bill was developed. I was delighted when the Chief Sponsor accepted my amendment. I want to remind you again what my amendment does. My amendment supplies the affidavit that anyone wishing to register must swear to an oath saying that this address given is my only residence. It is my true residence for voting purposes and it is only my residence for voting purposes. I will not use any other residence. I was concerned as I think many of you are, at the possibility that there might be dual registration of a great number of our young population, some of them might be registered back in their home districts and also then register in their university areas. My amendment was to delete that possibility. 21 states have either passed laws received court decisions, or issued Attorney General opinions or Secretary of State's rulings which require that students seeking to register in their college communities, be treated in exactly the same manner as all other voter applicants. I think this is what we would all like to achieve and I would appreciate bi-partisan support for this bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Duff."

Brian B. Duff: "Mr. Speaker, I rise to explain my vote. I am very pleased that we will have these three bills all



here to be heard today. As a representative who has a large university and several small colleges in his district I am hopeful and encouraged that the young people in my district, both in the college and those who move away to college will vote, and hopefully in my district. I believe most of them are very responsible people. I think at the same time Representative Hirschfeld has got to be commended for a very strong effort to clarify this subject and anybody who suggests that that bill, even though I did not vote for it, was anti-, I think would be incorrect. As far as this bill is concerned, I'm not going to vote for this either, because I think that the sponsors have not accepted some words that would have made it most clear and helpful that will be in the next bill. For example, in the next bill that we are going to hear there are words to the effect that nothing in this section should prevent the Election authorities from properly and reasonably investigating. Further, in the next bill, there will be words that give more specifics in terms of understanding. I think that the people who have worked on this bill are also to be commended, but in fact it is not as well drafted as the bill which we are about to hear, which I will vote for."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. D. J. O'Brien."

Daniel J. O'Brien: "Mr. Speaker and Ladies and Gentlemen of the House. Just short word in defense of this bill. This bill will act uniformly for all voters in the State of Ill-



inois and I think judging from the debate on this bill and the last bill, there's a basic distrust of those who have recently been enfranchised in the State of Illinois, those 18 and older, let's tell it like it is, the debate is being directed to college students. Let me just say that the traditional objections, the traditional formula to be used in determining permanent residence and permanent abode, and evidence as to permanent residence and abode is still available if an election judge wishes to challenge a particular voter, whether he be a college student or whether he be a 65 year old and not a college student. This acts uniformly. We are not giving college students the wholesale opportunity, to have two residences, to have two abodes. I don't think that the fears and suspicions that the college students will take over a local election and then leave the community aren't necessarily valid. I don't think they're valid at all. I think that they will act responsibly and I just remind you that the traditional objections, the traditional rules of evidence, the traditional material available to the purposes of determining residency, driver's license, to determine a permanent abode, where a person receives his mail, where he has his roots is still available upon challenging a particular voter. So, I don't think the fears of the invasion of young voters from a college campus is founded on anything but suspicion. I think they will act responsibly, I think we have the rights and powers under this piece of legislation to challenge them and to inquire



through evidence as to their actual permanent abode and I urge your support of this bill."

Hon. W. Robert Blair: "The gentleman from McHenry, Mr. Hanahan."

Thomas J. Hanahan: "Mr. Speaker, Members of the House, I was when I was reading the bill originally, it was a different bill than what is before us and then the changes of the words 'present intention' from 'intentions, intent to presently abandon' the difference makes quite a difference in my vote and I'm supporting the bill because a person can have an intention of someday moving and yet register under this bill, so I'm voting 'Yeas', and I wanted to apologize to the sponsor that I misread his bill."

Hon. W. Robert Blair: "Have all voted who wished? For what purposes does the gentleman, oh, the gentleman from Cook, Mr. Carroll."

Howard W. Carroll: "Thank you, Mr. Speaker, in explaining my vote. This has not removed from, this has not stricken Sections 4, 5 or 6, or Articles 4, 5 or 6 of 'The Election Code' as has been stated. This has not removed those sections from 'The Election Code'. What this has done is said that the affidavits in 4-8 will be so aligned to say that you now have this affidavit of your intention. Once you sign an affidavit, you have so stated what your intent to be. Now, I don't think anyone in this house wants to say that students or anyone else intentionally lie when they go in to register to vote and this affidavit just as the affi-



davit that you and I had signed, with the words that were in it then, were our intention of what our permanent residence was at that time. I don't think we intentionally lied, I don't want to think that we would say that anyone else would intentionally lie. We have not modified the challenging procedure, the challenge is still there. In fact, if it's in the case of a fraudulent affidavit, your challenge would even be that much stronger. I urge you to vote for this bill. Thank you."

Hon. W. Robert Blair: "The gentlemen from Champaign, Mr. Clabaugh."

Charles W. Clabaugh: "I want to say that the last Speaker was correct. I misspoke myself when I said that the sections were stricken, but the restrictions and the limitations in Section 4-10 were removed and as by language in the bill and if this bill doesn't get the necessary votes, I hope the sponsors will put this bill on postponed consideration and I think we can work out something here that will be helpful in this."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. The gentleman from McLean, Mr. Bradley."

Gerald A. Bradley: "Mr. Speaker, could we please poll the absentees."

Hon. W. Robert Blair: "The Clerk will poll the absentees."

Fredric B. Selcke: "Arrigo, Burditt, Capuzi, Conolly, Day, Douglas, Downes, Epton, Gardner, Gibbs, Graham, Granata,





Hoffman, Houde, Janczak, Kahoun, Karmazyn, Kleine, Luterbach, Lehman, Ed Madigan, McAvoy, McCormick, McMaster, Meyer, Kenny Miller, Peter Miller, Moore, Murphy, Rose, Svecik, Shapiro, Springer, Telcser, Jack Thompson, Wall, Harold Washington, . . ."

W. Robert Blair: "Harold Washington, 'Yeas'."

Eric B. Selcke: ". . .Zlatnik, Mr. Speaker."

W. Robert Blair: "On this question, there are 88 'Yeas' and 51 'Nays', the gentleman from McLean, Mr. Bradley."

Ed A. Bradley: "Mr. Speaker, I'd like to postpone consideration. Thank you."

W. Robert Blair: "All right. No objections, we'll place it on postponed. 3021."

Eric B. Selcke: "House Bill 3021. A bill for an act to amend 'The Election Code'. Third reading of the bill."

W. Robert Blair: "The lady the lady from DuPage, Mrs. . . ."

Robert C. 'Giddy' Dyer: "Ah, Mr. Speaker, ah Ladies and Gentlemen of the House, this is the third bill in this sequence in an attempt to define permanent residence for voting purposes in Illinois as we are permitted to do under Article III, Section 1 of the new constitution. There's been so much arrotrory on the reasons for this and the reason for this kind of bill, that I'm going to make my remarks very brief and tell you very simply what my bill does that the preceding bills did not do. As you know, I voted 'Yes' on the preceding bill, it was my bill as then

put on as an amendment to 3625. Ah, very briefly, ah, House Bill 3021 simply defines permanent residence in this way: for purposes of this act, a permanent residence is a principal abode in which the person intends to live for an indefinite period of time. This is the very simple one sentence definition that you will find in the classic law dictionaries and you will find this stated on case law on this subject. Ah, then the bill simply goes on to say that in determining whether an applicant's address is in fact his permanent address for voting purposes, the election registrar in each county shall require every applicant to register shall sign an affidavit in substantially the following form: and then the person simply swears that this is indeed his residence and his only residence for voting purposes and that he will not vote for any other residence. And then there is the final sentence that seems to be more clear than some of the language in the other two bills. The final sentence says that nothing in this section shall be construed to prevent the election authorities from making investigations to determine whether the address given is in fact the applicant's residence. I think in light of some of the facts that have been brought out about the mobility of the voters in our country, that at least a half of the population moves within every four years. I think this is a fair bill, it encompasses very simply all the possibilities that voters will run into and I urge bipartisan support of this bill."



Hon. W. Robert Blair: "The gentleman from Cook, Mr. McGah."

Joseph P. McGah: "Ah, Mr. Speaker, will the sponsor yield for a question? Ah, Mrs. Dyer, I'm inclined to support your bill. The only thing that has me concerned is that last sentence where you talk about nothing shall be herein shall prevent an investigation and I'm concerned with that investigation take place before the student is allowed to register?"

Mrs. Robert C. 'Giddy' Dyer: "Ah, no, Mr. McGah, the the the person, the individual would be considered to be registered just as he is now from the moment that he fills out this affidavit. Ah, I have checked with several county clerks and the way that ah they affirm a resident now, is that they simply make a card and mail the voter's card to the person which has return requested. If it does not come back, it is considered to be indeed a valid address."

Joseph P. McGah: "The only problem is though that the the language is written and the bill doesn't say that."

Mrs. Robert C. 'Giddy' Dyer: "Well, I felt, see, Mr. McGah, in writing this, that if you if you try to get too specific in instructing county clerks, you get into a matter of procedure, rather than the basic statute. I felt that this was more appropriate statutory language than getting a specific procedure."

Joseph P. McGah: "Ah, Mr. Speaker, may I speak to the bill?"

Hon. W. Robert Blair: "Yes, proceed."

Joseph P. McGah: "Yeah, just briefly, ah my only concern with



this and I think it should be amended, to make it clear that we're lines 15 through 17 specifically say 'nothing in this section shall be construed to prevent the election authorities from making investigations to determine if the address given is in fact the applicant's residence.' Now, what I'm concerned about there, some student or any other voter in the state will come in to register and the registrar will say, well, we've got a right under the law to make an investigation as to whether or not these facts are true and we're going to make that investigation, you come back here in two or three weeks and we'll notify you whether in fact you're properly registered. Now, if this if this would be clear that the applicant would be registered and then subsequently an investigation could be made and if it was shown by the investigation that the information on the affidavit was incorrect, then appropriation action, possibly by the State's Attorney could be taken, to remove the the voter from the rolls and to prosecute the voter for filing a false affidavit under the perjury laws, I'd have no objection to this bill, but I can't support it in its present form."

Hon. W. Robert Blair: "The gentleman from Bureau, Mr. Barry."

Tobias Barry: "Mr. Speaker and Members of the House, I agree with the last speaker for the reasons that he recited and for the additional reasons that if we put those lines into the law, any and every clerk will use it as a dictate from this legislature to authorize them to put off the register-



ing of young or old people as long as they darn well please. As I told the sponsor of this bill in committee, if she would remove those lines, I would vote for the bill. Under the circumstances, with the four lines in it, I can't vote for it."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Regner."

David J. Regner: "Well, thank you, Mr. Speaker and Members of the House. I can only echo what has been said here before. These three lines are the real defects in this otherwise excellent attempt to remedy a most complex problem of residency. But these three lines, really legitimize the act of registrars now are hassling and discriminating against students. Contrary to laws that have been decreed in other states with reference to the problems and junctions issued, contrary, I might add to the Attorney General of this state who says that we can't put forth questions which to some which we don't put to others, so I suggest a universal tact, and universal application of registration should take place. Another reason to show the defect of these fatal lines and that is if we have reregistration in this state, and I certainly hope that we pass a bill soon to do so. That, if if we meet the Attorney General's task, we're going to have millions and millions of questions and investigations. Now, in closing with reference to this problem, I had a call not very many days ago from a young man in Champaign, a young man in my district, who went before the registrar, they asked him all sorts of questions



as to whether his residence, which he considered to be Scott Hall, was permanent and all of that, and he said yes, I want to vote, yes, that's where I live, that's where it has to be. Now, he called to say that they're prosecuting him for perjury. Again I say, these few lines, legitimize a legal practice and a practice as applied to a very important segment of our people as being terrible and that if these three lines were removed, I'm sure the distinguished lady could pass this bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Carroll."

Howard W. Carroll: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I merely want to state as to this particular bill as it now exists and I don't think anybody has realized this yet. What we are doing is requiring an additional an additional affidavit which will be in conflict with the present affidavit of 'The Election Code'. The cost for our county clerks of putting up second sets of affidavits, of having every registrant apparently sign either two affidavits, therefore doubling the cost, or sign one affidavit in conflict with the other affidavit or possibly if this would become law, eliminating 4-8 and all other sections of the affidavit sections of the Election Code, merely signing this and if that were to happen, the registrar could not go into any questions at all. The sections on an affidavit of registration in 4-8 of 'The Election Laws' give you the information that you can go into. If the clerks construe this to mean that this is all



they have to sign, then they don't even have to go into the other questions about citizenship, about length of time, about marital status, and this even for Representative Clabaugh about sex. None of those questions are contained in this section of the code, they're all in 4-8. Either they would be conflicting sections, the Clerk would then have the option of construing it to mean that they only have to sign one or it would cause a phenomenal double cost to all the registration processes of this state and maybe cause all the people who previously registered to sign an additional affidavit before they can vote at phenomenal cost to our counties, costs that they could not bear to have now and doubled for them, rather than merely revising one form. Thank you. I urge you to vote against this."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Granata."

Peter C. Granata: "Mr. Speaker, I'd like to ask the last speaker a question if he'd yield, please."

Hon. W. Robert Blair: "That's a little unusual, but ah proceed."

Peter C. Granata: "Howard, knowing you as long as I do, I think I know you from the day you were born, is that right?"

Howard W. Carroll: "Yes, sir."

Peter C. Granata: "Now, Howard, I want your advice as a real friend of yours. Living in a district like mine and the Circle Campus and all of those kids there which are all honorable boys, and girls, I'm not questioning them, if you were living in a district like mine, would you honestly



vote for this bill? I want your honest advice."

Howard W. Carroll: "Representative Granata for your particular district, you have commuter students, you don't have that many students who go to Circle Campus that have apartments in. . ."

Peter C. Granata: "All, all they've got to do is build housing, which they're going to do shortly, then what would you do?"

Howard W. Carroll: "I gather in your district most of the students would live in either my district or the other districts of the city, not in your particular district. I wouldn't vote for this bill anyway, because I think there's a conflict in it anyway between the affidavits."

Peter C. Granata: "Thank you."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. B. B. Wolfe."

Bernard B. Wolfe: "Ah, would the sponsor yield to a question, Mr. Speaker?"

Hon. W. Robert Blair: "She indicates she will."

Bernard B. Wolfe: "Representative Dyer, did you intend by the investigative power under your bill to enlarge the scope of the board's investigative power, number one and to add to the present canvas procedure of the election the local election boards and now can this under the law to determine residency?"

Mrs. Robert C. 'Giddy' Dyer: "Ah, ah, Representative Wolfe, the intent of this sentence was simply to confirm the pro-





cedures now used in the present election code for verifying addresses."

Bernard B. Wolfe: "Well, I'm fearful that it does not do that. That it enlarges the scope of the investigative powers rather than say that the powers shall continue under the present election laws. Now, one other question with respect to your definition of permanent residence, as opposed to, does your bill, I don't have a copy of your bill, so I'm asking this question, does your bill also contain a definition 'of permanent resident' as used in the new constitution in Section 1, Article III, in which both terms are used, 'permanent resident' in the first sentence requiring a permanent resident of this state for at least six months and in the second section sentence in which the term 'permanent resident' is used in an election district not to exceed 30 days."

Mrs. Robert C. 'Giddy' Dyer: "Ah, Representative Wolfe, ah in my bill the phrase 'permanent resident' is used in accord with Article III, Section 1 of the new constitution under Suffrage and Elections, on the section of Voting Qualifications, in which it says that the General Assembly by law may establish registration requirements and require permanent residence in an election. . . ."

Bernard B. Wolfe: "Yes, but you haven't finished, it says 'permanent residence' in an election district not to exceed 30 days, then you haven't defined the term 'permanent resident' which is contained in line 1. Your bill does not



define that."

Mrs. Robert C. 'Giddy' Dyer: "Ah, no, I felt that defining that was sufficient."

Hon. W. Robert Blair: "All right, the, any further discussion? The lady care to close?"

Mrs. Robert C. 'Giddy' Dyer: "Ah, yes, Mr. Speaker, Ladies and Gentlemen of the House, I think that from the debate this afternoon, it is obvious that everyone in this room is sincere in their effort to come out with a bill that will clarify permanent residence in the State of Illinois so that particularly, the young, the new voter, the student voters, if you will, will have a chance to participate in their newly won in the elections of 1972, following their newly won right to vote. I think people on both sides of the House are sincere in this, my support for House Bill 3625 was completely sincere. My amendment was virtually exactly what I have in my House Bill 3021. Ah, therefore, I would welcome support from both sides of the House on this bill, House Bill 3021."

Hon. W. Robert Blair: "The question is shall House Bill 3021 pass? All those in favor will signify by voting 'Yeas', the opposed by voting 'No'. Have all voted who wished? The lady from DuPage, Mrs. Dyer."

Mrs. Robert C. 'Giddy' Dyer: "I'd like to see that this is put on postponed consideration and I would like to meet with the sponsors of House Bill 3625 to see if we can come up with a mutual bill where we can get the unanimous support



of everybody on both sides of the aisles."

Hon. W. Robert Blair: "All right, would the gentleman oblige the lady by meeting with her and we'll if there is no objection, place this bill on postponed consideration. Ah, going over with leave of the House to one bill over here it's on consideration postponed, House Bill 2667. It's been ah read a third time and the Chair recognizes the gentleman from Grundy, Mr. Washburn, in connection with that bill."

James R. Washburn: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. The purpose of House Bill 2667 is to permit the Department of Conservation to sell or exchange any property considered unusable for recreation or conservation purposes. The written approval of the Governor would be required for any such transactions and under the bill, authorization by the General Assembly would still be necessary before the Department could dispose of any lands which have been or will be in the future as specifically designated in the public interest by the legislature. House Bill 2667 grants the same authority to the Department of Conservation now held by the Department of Public Works and Buildings and existing forest preserve parks and conservation districts. I have through the best of my recollection talked with those members who opposed this piece of legislation during the Spring session and hopefully have raised their doubts and suspicions. Therefore, I want to once again ask your favorable vote on House Bill 2667."



Hon. W. Robert Blair: "All right, is there further discussion?  
The gentleman from Will, Mr. Houlihan."

John J. Houlihan: "Mr. Speaker, will the gentleman yield to a  
question?"

Hon. W. Robert Blair: "He indicates he will."

John J. Houlihan: "Ah, Representative Washburn, if is the nec-  
essity of this bill passing, . . . I'd better put it another  
way. In order to put the package together for a project  
that I'm interested in, the Thornridge Woods, is this nec-  
essary?"

James R. Washburn: "Yes, it is, ah, ah, Representative Houli-  
han, there are four different government entities involved  
in that project, I understand, Park Forest South, Park  
Forest, State of Illinois, I think the Illinois Forest  
Preserve, and I think it's necessary that this bill is nec-  
essary to bring agreements between all four of those gov-  
ernment bodies."

John J. Houlihan: "Thank you. Mr. Speaker and Ladies and  
Gentlemen of the House, there is no question in my mind  
that this bill will enable the open lands and will enable  
conservation areas to be provided for the citizens of the  
State of Illinois, and I rise in support of this bill."

Hon. W. Robert Blair: "The gentleman from Macon, Mr. Borchers."

Webber Borchers: "Thank you, Mr. Speaker, Fellow Members of  
the House. I would like to ask a question of the sponsor.  
Ah, Bud, what is, I see the 60 day period that a person can  
repurchase a land that has been ah taken from them. How is



there a length of time, for example, suppose it goes back to ah grandchildren, is there any provision that a family can secure this land even when some time goes by?"

James R. Washburn: "No, I understand that that law part of the law is not changed. I understand that they must be living on the property to have first chance at repurchasing it."

Webber Borchers: "Or adjacent to it. I see, all right."

Hon. W. Robert Blair: "The gentleman from Macoupin, Mr. Boyle "

Ken Boyle: "Representative Washburn, is this the same bill that didn't secure enough votes earlier? Is this the bill that authorizes the Department of Conservation to dispose of this land without first coming to this General Assembly and getting prior authorization from the legislature? Is this the bill?"

James R. Washburn: "Authorization by the legislature will still be necessary for any transactions involving land that is designated as in the public interest by the legislature. Those pieces of property that have been un-, determined unusable by the department, many postage size pieces will have to have the approval of the Governor."

Ken Boyle: "Well, you say that it's been determined unusable by the department. Does the legislature have any say in the determination of what is usable and what is unusable?"

James R. Washburn: "When they designate a piece of property which is in the public interest, why then of course, it is designated as unusable."



Ken Boyle: "My third question is you say that this bill applies to postage stamp, real estate. Is there some limitation in the bill with respect to size of the real estate involved?"

James R. Washburn: "No, there is not."

Ken Boyle: "So that it is possible that they could dispose of a whole park?"

James R. Washburn: "No, they couldn't dispose of a whole park because of what had been designated in the public interest by the legislature. They couldn't dispose of any portion of a state park."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Matijevich."

John S. Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I hope that you are listening carefully to Representative Washburn's answer to Representative Boyle, because when he did answer him there is no restriction as to size, first of all, and secondly, we in the legislature may declare a public interest, but then the Department of and in itself, with the approval of the Governor, can say no, this is unusable land and sell it and I think all of you here in the legislature know that this issue was before us in the regular session, much as the same issue as before and I think in the wisdom of most of the majority of you members. I know Representative Murphy and I time and time again went on the floor of the House and you as a legislature, I think, protected the interest of the legislature,



not because you are protecting our interests, but because I think you're protecting the rights of the people. Now, the Departments could buy this land at a high value and then resell it to the original owner at a low price. I think having served on a legislative committee on two different instances, one two sessions ago and one again this session when we investigated the purchase of land, the right-of-way in Lake County, Lake Front Highway on both occasions, my mind, not only my mind, it was definitely concluded that the operations of the Department in acquisition of land are suspect. In fact, I talked about the ethics of the Illinois Commerce Commission. I think that we can do a lot for the taxpayers in the State of Illinois if we investigated some of our executive departments, and I'd probably start out with the Department of Conservation and maybe the Department of Mental Health, because I think that we could be staying out and saving some taxpayers some money if we would do that. But my point is Ladies and Gentlemen of the House, that this bill is a dangerous bill, it gives the Department of Conservation powers that they haven't shown to me that they deserved, and I urge the defeat of this bill, House Bill 2667."

Hon. W. Robert Blair: "Any further discussion? The question is shall House Bill 2667 pass? All those in favor will vote 'Yeas' and the opposed 'No'. The gentleman from Wayne, Mr. Blades."

Ben C. Blades: "Mr. Speaker and Ladies and Gentlemen of the



House, I don't know why all the alarm about this bill. This is nothing more than the Division of Highways authority that the Division of Highways has at this time. Now, the Department of Conservation has a lot of little parcels that have been given to them. Some have been purchased in the years past. They aren't parks, they never will be parks, they are of no value to the Conservation Department forever and this would give them the authority to dispose of them with the Governor's approval. I don't know why anyone would be alarmed whatsoever if they are, they should be alarmed at that the Division of Highways might do, because they have exactly this same authority at this time. I solicit your support on the vote of this bill."

Hon. W. Robert Blair: "The gentleman from Will, Mr. Houlihan."

John J. Houlihan: "Mr. Speaker, Ladies and Gentlemen of the House, in explaining my vote, for at least two terms we've been trying to put together in our area at 900 acres of open land, we finally have two municipalities, a township, the state, all owning a share of this and without the passage of this bill, this is the vehicle to put it all together, its very necessary to create the reservation of Thorn Creek Wood and without this bill, it just doesn't happen and we need your support. This is a good bill. I'd like to see some more green lights up there."

Hon. W. Robert Blair: "The gentleman from Will, Mr. O'Brien."

George M. O'Brien: "Ah, Mr. Speaker and Members of the House, to some degree to underscore the remarks of my distinguished





colleague, Representative Houlihan, the area of which he speaks, unless this type of legislation is passed, will forever be lost. Ah, for conservation purposes. And the people in that area are extremely concerned about it and have worked very hard in the citizens group. And, ah, unless we get some support of this nature, we'll never be able to keep it from being eaten up by industry or ah high rise housing and we'll never be able to claim it.

I solicit your vote as the others have."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Katz."

Harold A. Katz: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, briefly in explaining my 'No' vote, I believe what is missing from the bill from my point of view after hearing the matter debated, it's some protection that the Director of Conservation may not for reasons that are not really adequate, give away public property. Once it is given away, it is gone. If you have a Director at a particular time for reasons of disinterest or for some other worse reasons chooses to give away some public property, it there may be no way to rectify that situation. It seems to me there ought to be a procedure under which at the very least the Director of Conservation is required to give to the legislature to each member of the legislature a description of the property that he proposes to give away that he do this at least a year ahead of time or six months ahead of time so that we know what he's going to do. That he explain and notice the reason he is giving it away.



Otherwise, the property will be given away and by the time it is so discovered by some newspaper or someone else, it will be beyond the reach of the people of the State. The fact is that we do not have too much conservation property in Illinois, we have too little. We should be very careful about having a situation where the Director or Conservator, not this one, but some other one, might exercise this power in some way that would be contrary to public interest. This bill needs amending before it should be approved in my opinion."

Hon. W. Robert Blair: "Have all, . . . the gentlemen from Kane Mr. Waddell."

R. Bruce Waddell: "Mr. Speaker, Ladies and Gentlemen of the House, I rise with some conflict of emotion on this. Number One, I think that there is an area of danger, inasmuch as this is worded the way it is and I would wish that it would be changed. I concur with Representative Katz that we should be given some notification and I can speak from the time that I served on the Illinois State Park Board and at such time the Department of Conservation wanted to get rid of some of the memorials that you people and your parents and your grandparents put in your own locality. The reason that they gave was the fact that they did not want to make and maintain them, that they did not have funds to maintain them and they wanted to get rid of them. I would suggest that this be taken back and cleaned up so that this that we could have proper safeguards with it."



Hon. W. Robert Blair: "The gentleman from Lake, Mr. Matijevich."

John S. Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I want to explain my vote briefly. I assume that there are some here that are voting because they feel they want to help Representative Houlihan Representative George O'Brien, because they have a particular problem. Now, I think we've all tried to help legislators when they have had problems in their district. I know I have. And I would pledge my support to any legislator or legislative action that will help them specifically, but I don't want to be a part of passing this bill that is general in a nature and will help them specifically to come in with a specific bill as to the transfer of properties and so forth. We'll give you our approval, but there is an inheritance danger in this bill and I'll tell you gentlemen, when you talk about the powers of the legislature eroding, remember, that you're helping to erode those powers and by voting for this type of bill is a way to helping to erode your own effect as a legislature and I urge that you vote against this bill."

Hon. W. Robert Blair: "Have all voted who wished? Take the record. On this question, there are 94 'Yeas' and 36 'Nays' and this bill having received the constitutional majority is hereby declared passed. The gentleman from Will, Mr. Houlihan."

John J. Houlihan: "Having voted on the prevailing side, Mr.



Speaker, I move to that this bill be reconsidered."

Hon. W. Robert Blair: "The gentleman from Wayne, Mr. Blades."

Ben C. Blades: "Mr. Speaker, I move that motion lie on the table."

Hon. W. Robert Blair: "All those in favor say 'Yeas', the opposed 'No', the 'Yeas' have it and the motion to table fails. 3686."

Fredric B. Selcke: "House Bill 3686. A bill for an act to make an appropriation to the Secretary of State. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Regner."

David J. Regner: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, this bill was called before and I did take it out of the record when there was a question asked by the Assistant Minority Leader. I since have answered that question to his satisfaction, but what it does it appropriates \$56,000.00 to the Secretary of State's Office for various expenses incurred with the issuance from the Anti-Pollution Bond Act passed this past year. Actually, it's a reappropriation ah bill for the \$56,000.00 for legal fees and I urge a favorable vote on this bill."

Hon. W. Robert Blair: "Is there any further discussion? The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, I see, I don't see the Assistant Minority Leader on the floor, but I think his question was answered, as Representative Regner pointed out, but I think he should



point it out to the other members of the body as well. Shea's question was if Wayne Whalen was included in this bill at all and the answer is no, the \$45,000.00 was legal fees to cover a bonding firm who evaluates majority of the bonds that are sold within the State of Illinois and through-  
out other states as well. There is also \$4,332.00 to the 20th Century Press for printing of official statements and \$7,622.00 to the American Bank Note Company for printing the bonds and I'd ask for your support."

Hon. W. Robert Blair: "The question is shall House Bill 3686 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? Maragos, 'Present'. The Clerk will take the record. On this question, there are 147 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed. 3544."

Fredric B. Selcke: "House Bill 3544. A bill for an act to authorize the conveyance of certain real property located in Crawford County, Illinois, by The Board of Trustees of the University of Illinois to the Board of Education of School District No. 203 of Crawford County, Illinois. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Schneider."

J. Glenn Schneider: "Mr. Speaker a question of parliamentary at this point."

Hon. W. Robert Blair: "Yes."



J. Glenn Schneider: "Would you be in a position to advise the members of the House as to the status of third reading bills on postponed consideration bills at the projected end of the session. Will they be tabled? Will they be carried over to the Spring or can you give us some direction on that?"

Hon. W. Robert Blair: "The Minority Leader and I will have a side bar conference. All right, the ah . . . now, you might be interested in what I'm going to say. Ah, the Minority Leader and I have agreed that we we will provide a Spring 1972 calendar and that those members that desire to have bills that are on the calendar that they do not wish to have called during this session transferred to that Spring calendar, you'll have an opportunity to do so he will have his staff people moving among the members on your side of the aisle and I will likewise on our side of the aisle. Then, at the end of this session, which will be next week at the end of the week sometime, we would then move to table everything on the calendar that has not been transferred to the Spring calendar. It's not the intention of the leadership to postpone until tomorrow the last day for House Bills to be moved out of the House. So, you're going to have to consider those today to get them up or down and out of here today. For what purpose does the gentleman from Cook, Mr. McPartlin, rise?"

Robert F. McPartlin: "Ah, Mr. Speaker, what about the bills that are in committee? Would that be the same?"

Hon. W. Robert Blair: "The bills in committee, there's no intention to take any action with regards to those, they will remain in committee for consideration after what ever time is appropriate. The gentleman from Cook, Mr. Carter."

Robert F. McPartlin: "Thank you."

Hon. W. Robert Blair: "James Y."

James Y. Carter: "Ah, Mr. Speaker, I'd like to make an inquiry of the Chair. Does the Chair at this time have any knowledge or preview of what we might do in the Spring session in terms of limiting it or it is it being open to a full session or with all kinds of bills. That's the reason that I asked, because with all these different kinds of bills in here, do not pertain to ah the financial matters concerning the state and I didn't know whether you and the leadership had developed any particular notion to which direction you're going in the Spring."

Hon. W. Robert Blair: "No, we have that under review now with the Senate and hopefully we will be able to indicate that to you ah when we adjourn here next week. The gentleman from Cook, Mr. Fleck."

Charles J. Fleck: "A parliamentary inquiry."

Hon. W. Robert Blair: "Yes, state your point."

Charles J. Fleck: "Ah, Mr. Speaker, on October 28, 1971, this House refused to concur with the Senate's acceptance of the Governor's recommendation for change to Senate Bill 177. I respectfully request if a motion made today to reconsider the vote by which that motion failed be out of



order?"

Hon. W. Robert Blair: "Yes, it would be. Because, under our rules, we have 15 days in which to act on any particular proposal and that 15 day period expired; so this chamber may no longer consider any action with respect to Senate Bill 177."

Charles J. Fleck: "Thank you."

Hon. W. Robert Blair: "The gentleman from Union, Mr. Choate."

Clyde L. Choate: "Mr. Speaker, I'd like to introduce a former member of this legislature, former Post Master of the City of Chicago, former member of the Board of Commissioners of Chicago, and now a member of Appeals, Harry Semrow."

Hon. W. Robert Blair: "The gentleman from Lawrence, Mr. Cunningham."

Roscoe D. Cunningham: "Mr. Speaker and Members of the House, Pearl Mesta, the famous party giver had a couple of words to use to explain why all of her parties were a success. Regardless of how early the guests arrived, she sat and laughed, and regardless of how late they left, she sat and laughed. I am glad that we have come at late to this meaningful legislation. H.B.3544 is an effort by my distinguished colleagues, Charles Keller, Don Brummet and myself to return to the Oblong High School, 20 acres of land which for many years has been used by the University of Illinois as an alfalfa patch and which the university desires to be returned to Oblong School. Both my distinguished colleagues and my constituents would be most grateful





if you'd vote the green light on this particular bill.

Thank you."

Hon. W. Robert Blair: "The gentleman from Union, Mr. Choate."

Clyde L. Choate: "Another introduction, Mr. Speaker. A former member of the Senate and a former member of this House and was a Majority Leader in the House of Representatives at one time, former Attorney General of the State of Illinois, our good friend Bill Clark is with us also."

Hon. W. Robert Blair: "The question is shall House Bill 3544 pass? All those in favor vote 'Yeas', the opposed by voting 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are 135 'Yeas', and 1 'Nays' and this bill having received the constitutional majority is hereby declared passed. Capuzi, 'Yeas' 3648."

Fredric B. Selcke: "House Bill 3648. A bill for an act to amend Section 11-135-1 of the 'Illinois Municipal Code'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Perry, Mr. Cunningham."

William J. Cunningham: "Mr. Speaker, Ladies and Gentlemen of the House, this is another constitutional implementation bill pertaining to special use districts. Absolutely no objections to it whatsoever. It's a housekeeping bill. I move your favorable support and a green light. Thank you."

Hon. W. Robert Blair: "Discussion? The gentleman from Bureau



Mr. Barry."

Tobias Barry: "A question of the sponsor, please?"

Hon. W. Robert Blair: "He indicates he'll yield."

Tobias Barry: "What kind of a special use district are we talking about?"

William J. Cunningham: "We're talking about a municipal water commune and I didn't know until a couple of towns found out that ah the Circuit Court used to make some of these appointments and the rest were made by the Mayor of the affected municipality, so this is just going to give all the appointments to the Mayors of the affected municipalities."

Hon. W. Robert Blair: "Any further discussion? The question is shall House Bill 3648 pass? All those in favor vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are 130 'Yeas' and no 'Neys' and this bill having received the constitutional majority is hereby declared passed. 3674."

Fredric B. Selcke: "House Bill 3674. A bill for an act to amend 'The Election Code'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from McHenry, Mr. Lindberg."

George W. Lindberg: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 3674 is the bill that would provide judicial election machinery in the State of Illinois. I think that most of you are aware that when the constitution



was adopted by the people on December 15, the former techniques for nomination of candidates to judicial offices went out the window. This bill would require judges who do not intend to run for retention to so advise the Secretary of State not less than seven days before the December filing date at which time we do file our petitions for the legislature. They would then be on the primary ballots and the successful candidate would be elected in November. Now, the important thing to remember is that we do not pass this bill we will be denying to the people of Illinois the opportunity in 1972 to elect judges. There will be no legislation on the books that would permit judges to be elected and the net result would be that the justices of the Supreme Court would fill any vacancies which would arise by reason of a judge that would decide not to run for retention. So I would appreciate the support of the House on this bill."

Hon. W. Robert Blair: "The gentleman from Franklin, Mr. Hart."

Richard O. Hart: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, I would like to just correct one thing that Representative Lindberg said. Under this bill which I am a sponsor of with Representative Shea and Barry, to do essentially the same thing that this bill does. So, if this bill is defeated, we'll still have a chance. The difference between the two bills is essentially is that this bill would require judges who are going to file for retention to file a statement to that effect at least seven days before the first day of filing petitions for candidacy. Now, I



don't believe that the constitution would permit that and I don't believe that the courts would uphold that in a court test, but I don't know what the Governor would do if the bill were presented to him. The constitution of Illinois says that ah no later than six months before election the judges have to file a statement, the interpretation of this bill apparently that this bill would give to it is that since it doesn't require it any later than six months, that you can go back and require it earlier and ah it is my opinion, I don't believe that the legislature has that prerogative. That essentially is the difference between this bill and my bill. There are other differences, such as filling the vacancy if a judge should die after the primary but before the election. According to my interpretation of Representative Lindberg's bill, there is no provision in that effect. My bill sets up a way to do that and ah there is one other minor difference, I believe, that George's bill requires 500 signatures for filing petitions for candidacy, mine is 200, but ah you will have an opportunity I believe to pass on the merits of my bill, so even in the event that this one goes either up or down, ah there is the other bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Ah, will the Representative yield for a question? Ah, George, as I read this, if we passed this bill today, the earliest that the Senate could pass this bill would be sometime next week, the eighth or ninth of





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